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THE MINORITY REPORT OF THE ELECTORAL COMMISSION

IMPORTANT STATE PAPER PREPARED BY JUDGE ABBOTT IN 1877

[No part of this document was ever before given to the reading public.]

I N an address on the late Judge Abbott before the "Old Residents' Historical Association" of the city of Lowell, Massachusetts, November 24, 1891, I made the first public announcement of the fact that I had in my possession the formal protest of the minority against the decision of the majority of the famous electoral commission, in the cases of the four contested states, which Judge Abbott was requested to prepare by his associates, and which was approved by them; but some doubting the wisdom of publishing it at the time, it was never signed. As a friend of Judge Abbott for forty years, and as one of his "sons in the law"—as he was wont to call the lawyers who had studied in his office—I was permitted to take a copy of this document, with the injunction that it must not be published in his lifetime. He died on the 2d of July last, and the seal of secrecy being broken by his death, I now present it to the readers of the *Magazine of American History*, as an important historical state paper eminently worthy of consideration and preservation.

"To the People of the United States:

The minority of the joint commission established by the act of congress of January 27, 1877, to decide questions arising in the count of the electoral votes, desire to address the people of the whole country on the subjects submitted to and decided by that commission.

No more important questions can ever come before any tribunal or people for consideration and determination. Upon their determination depends who shall be the President of this country, and whether he shall owe that great office to the free, honest choice of the people, or to bribery, forgery, and gross fraud. The minority of that commission, by the law establishing it, had no opportunity of reporting the reasons for their action to the two houses of congress. The presence of a stenographer

at these consultations was denied, so that no record thereof exists. No way is open to those who did not join in, but on the contrary protested against, the decisions of the commission, to make public their protest except by this address.

The returns of the electoral vote of four states—Florida, Louisiana, Oregon, and South Carolina—were submitted to and decided upon by the commission.

In the case of Florida there were three certificates.

The first, signed by the governor, certified that the four Hayes electors were elected according to the law of Florida and the acts of congress. The second was signed by the attorney-general, and the third by the governor elected on the 7th of November last; and both certified the election of the Tilden electors. The attorney-general was one of the three persons first canvassing the votes. To the third certificate were attached certified copies of all the returns of votes from every precinct in the state, which were originally made to the secretary of state, together with an act of the legislature providing for a new canvass of the vote according to the law as it had been decided by the supreme court, and the result of the new canvass thus ordered.

It was offered to be proved, and it was not denied that such was the fact, that by counting all the votes returned to the secretary of state, according to the law of Florida as expounded by the supreme court, the Tilden electors had been duly elected.

It was offered to be proved, and was not denied, that the Tilden electors commenced proceedings in *quo warranto* against the Hayes electors in the court of that state having jurisdiction by its constitution, notice of which was served on the latter before they gave their votes, and as soon as they were declared elected, and which was prosecuted to this judgment—that the Hayes electors had not been elected and had no title to the office, but that the Tilden electors had been legally elected and were entitled to the office.

It was offered to be proved, and was not denied, that the two canvassers who had made the certificate of election of the Hayes electors, which by the law of Florida was made only *prima facie* evidence, had erred in their construction of the law, and exceeded their jurisdiction by so doing, in their canvass of votes on which the certificate was based.

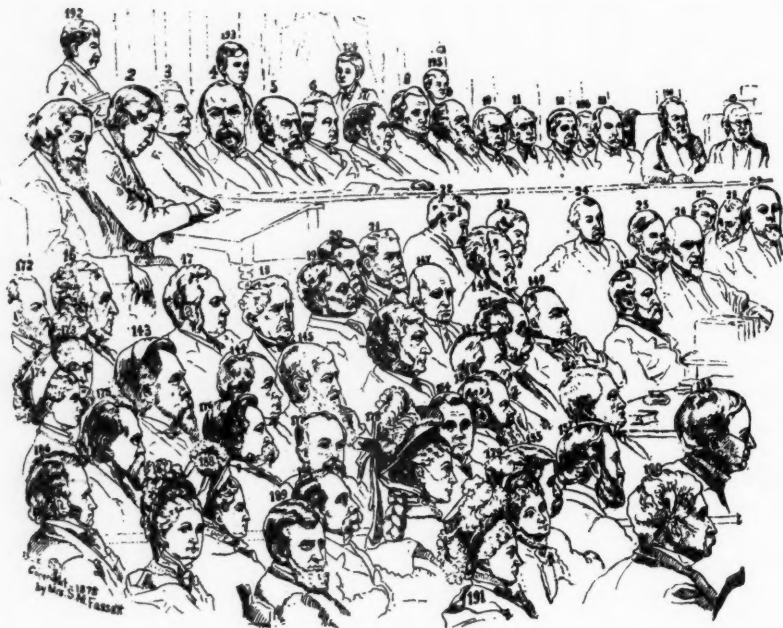
Thus it was offered to be proved, and the facts were not denied, that the governor's certificate given to the Hayes electors was false, and that the determination and certificate of two of the three who made up the board of canvassers was false in fact and in violation of the laws of

Florida, and that in making it the two had exceeded their jurisdiction. It was offered to be proved that the supreme court of Florida had, in effect, decided that the two canvassers had made a false certificate and exceeded their jurisdiction, and that the circuit court had so decided. It was offered to be proved that both the legislature and the executive of the state had so determined, and had attempted by all means in their power to prevent the state being defrauded of its true and real vote.

The majority of the commission decided that the determination and certificate of two of a board of three canvassers, with ministerial powers only, and which by law was *prima facie*, not conclusive, evidence, must stand and decide the great question of the Presidency, although it could clearly be proved to be false in fact, and that in making it the two canvassers had exceeded their jurisdiction and authority as held by the supreme court of the state, and although the legislature and governor had both declared it false, and that by giving effect to it the state would be defrauded of its true and real vote, and although the electors, in whose favor it was made, had been declared by the courts not to have been elected. The injustice of this decision was the more marked and flagrant by contrast. All the state officers, from the governor down, who were voted for on the same ticket with the Tilden electors, and had been counted in by the same two canvassers at the same time and by the same canvass by which the latter were counted out, had been declared elected by the action of the highest court of the state, and are now and have been holding their several offices to the general contentment of the citizens of Florida. But the Hayes electors alone are permitted by this decision to consummate the wrong, and act in offices to which they were never elected.

Against this decision of the commission the undersigned protested and now protest as wrong in law, bad in morals, and worse in the consequences which it entails on a great country.

It gives absolute power to two inferior ministerial officers to withhold their determination till the day when the electoral vote is cast, as was done in this case, and then give the vote of a state to a candidate who has never received it, as was done in this case, and tells the people there is no redress for such an outrage. It is a decision admirably calculated to encourage fraud, and insure its being perpetrated with success and impunity. It is a decision by which the people of a state may be defrauded and robbed of their dearest rights by a few unprincipled wretches, and be then compelled to acquiesce in the great wrong. It is a decision claimed to be based on the doctrine of state rights, but, in fact, is in direct conflict with that grand



KEY TO PICTURE OF THE ELECTORAL COMMISSION (FRONTISPIECE).

THE COMMISSIONERS.

1	<i>A. G. Thurman</i>	Ohio.	17	<i>B. B. Payne</i>	Ohio.
2	<i>J. F. Bayard</i>	Del.	18	<i>Eppa Huntington</i>	Va.
3	<i>Frederick T. Zulving</i>	N. J.	19	<i>H. H. A.</i>	Mass.
4	<i>O. P. Morton</i>	Ind.	20	<i>J. Garfield</i>	Ohio.
5	<i>Geo. F. Edmunds</i>	Vt.	21	<i>Geo. F. Howe</i>	Mass.
6	<i>Wm. F. Miller</i>	Iowa.	22	<i>Francis Pickens</i>	N. Y.
7	<i>Nathan Clifford</i>	Maine.	23		
8	<i>Stephen P. Kellogg</i>	Cal.	24		
9	<i>Joseph P. Bradley</i>	N. J.	25		
10					

17. William Windom.....Senator, Minnesota.
 18. W. W. Corcoran.
 19. John J. Ingalls.....Senator, Kansas.
 20. J. C. S. Blackburn.....M. C., Kentucky.
 21. John H. Reagan.....M. C., Texas.
 22. B. E. Cattin.....Assistant Secretary E. C.
 23. George A. Howard.....Assistant Secretary E. C.
 24. James H. McKenny.....Secretary E. C.
 25. John Sherman.....Senator, Ohio.



KEY TO PICTURE OF THE ELECTORAL COMMISSION (FRONTISPIECE).

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| 26. Samuel Shellabarger.....Counsel for Hayes. | 51. Mrs. Julia K. Fish. |
| 27. William F. Cooper.....Page to E. C. | 52. Mrs. Myra Clark Gaines. |
| 28. D. F. Murphy.....Stenographer E. C. | 53. Mrs. Julia G. Tyler. |
| 29. George W. McCrary.....Counsel for Hayes. | 54. Mrs. I. V. Swearingen. |
| 30. Morrison R. Waite.....Chief Justice U. S. S. C. | 55. Mrs. Virginia M. Wilson. |
| 31. John G. ThompsonSergeant-at-Arms, H. R. | 56. Mrs. Rachael H. Strong. |
| 32. John J. Nicolay.....Marshal, U. S. S. C. | 57. Charles Gordon. |
| 33. W. H. ReardonMarshal, E. C. | 58. Mrs. Imogen R. Morrell. |
| 34. E. P. Corvaizier.....Messenger, U. S. Senate. | 59. Mrs. Jean M. Lander. |
| 35. Mrs. Z. Chandler. | 60. Miss Katherine Lee Bayard. |
| 36. Miss G. A. Boutwell. | 61. John J. Patterson.....Senator, South Carolina. |
| 37. John R. French.....Sergeant-at-Arms. | 62. Mrs. Catherine Hardenbergh. |
| 38. Miss G. F. Tucker. | 63. John H. Flagg.....Legislative Clerk. |
| 39. Mrs. Charles E. Hooker. | 64. John Hitz.....Consul Gen. Switzerland. |
| 40. Miss Caroline Bradley. | 65. Charles Page Bryan. |
| 41. | 66. George M. Adams.....Clerk of House. |
| 42. Miss Lida Miller. | 67. Horatio King. |
| 43. Miss Julia D. Strong. | 68. S. W. Dorsey.....Senator, Arkansas. |
| 44. Prof. Joseph Henry.....Smithsonian Institution. | 69. M. B. Brady. |
| 45. Charles G. Williams...., M. C., Wisconsin. | 70. Ambrose E. Burnside....Senator, Rhode Island. |
| 46. Mrs. S. Virginia Field. | 71. George C. Gorham.....Secretary, U. S. Senate. |
| 47. Mrs. Mary A. Matthews. | 72. Samuel J. Randall....Speaker of House. |
| 48. Mrs. Ruth A. Hoar. | 73. F. M. Cockrell.....Senator, Missouri. |
| 49. Mrs. Chapman Coleman. | 74. J. Proctor Knott.....M. C., Kentucky. |
| 50. Hamilton Fish.....Secretary of State. | 75. John B. Clark, Jr.....M. C., Missouri. |

76. H. B. Anthony.....Senator, Rhode Island.
77. Bainbridge Wadleigh.....Senator, N. H.
78. Benjamin H. Hill.....Senator, Georgia.
79. Fernando Wood.....M. C., New York.
80. A. C. Harmer.....M. C., Pennsylvania.
81. Annanias Herbert.....Messenger, U. S. S. C.
82. G. A. Clark.....Doorkeeper, U. S. S. C.
83. Augustus W. Cutler.....M. C., New Jersey.
84. A. R. Shepherd.
85. S. L. Phelps.....Commissioner, D. C.
86. J. W. Powell.....United States Survey.
87. S. A. Hurlburt.....Counsel for Hayes.
88. John A. Kasson.....Counsel for Hayes.
89. George W. Childs.
90. James L. Andem.....Reporter for N. Y. A. P.
91. Stanley Matthews.....Counsel for Hayes.
92. Mrs. J. A. Garfield.
93. George M. Robeson.....Secretary of Navy.
94. Alphonso M. Taft.....Secretary of War.
95. Belva M. Lockwood.
96. George S. Boutwell.....Senator, Massachusetts.
97. Aaron A. Sargent.....Senator, California.
98. Dr. Peter Parker.
99. James O. Woodruff.....Scientific Expedition.
100. Eugene Hale.....M. C., Maine.
101. Charles Foster.....M. C., Ohio.
102. John H. Mitchell.....Senator, Oregon.
103. W. P. Lynde.....M. C., Wisconsin.
104. John D. C. Atkins.....M. C., Tennessee.
105. A. A. Hardenbergh.....M. C., New Jersey.
106. Thomas Ewing.....M. C., Ohio.
107. William E. Chandler.....Counsel for Hayes.
108. James P. Root.....Counsel for Hayes.
109. James N. Tyner.....Postmaster-General.
110. William Lawrence.....M. C., Ohio.
111. D. T. Corbin.
112. C. D. Drake.....Chief Justice, U. S. S. C.
113. Charles W. Jones.....Senator, Florida.
114. P. Phillips.
115. Saunders W. Johnston.
116. N. P. Banks.....M. C., Massachusetts.
117. J. G. Cannon.....M. C., Illinois.
118. Flora Fassett.
119. Elizabeth B. Johnston.
120. W. A. J. Sparks.....M. C., Illinois.
121. Frederick Douglass.
122. William M. Evarts.....Counsel for Hayes.
123. Edwin W. Stoughton.....Counsel for Hayes.
124. Zachariah Chandler.....Secretary of Interior.
125. Abram S. Hewitt.....M. C., New York.
126. Americus V. Rice.....M. C., Ohio.
127. Mrs. Celia S. Sherman.
128. Mrs. Jennie B. Bryan.
129. Mrs. Susan M. Edmunds.
130. Mrs. E. V. Miller.
131. William D. Kelley.....M. C., Pa.
132. Mrs. Mary Clemmer.
133. Charles O'Connor.....Counsel for Tilden.
134. Richard T. Merrick.....Counsel for Tilden.
135. George A. Jenks.....Counsel for Tilden.
136. W. H. Forney.....M. C., Alabama.
137. J. Randolph Tucker.....Counsel for Tilden.
138. Timothy O. Howe.....Counsel for Hayes.
139. Henry Watterson.....M. C., Kentucky.
140. Mrs. Ellen F. Windom.
141. Thomas B. Bryan.
142. Hiram P. Bell.....M. C., Georgia.
143. L. Q. C. Lamar.....M. C., Mississippi.
144. Hannibal Hamlin.....Senator, Maine.
145. George Bancroft.....Historian.
146. Justin S. Morrill.....Senator, Vermont.
147. John A. Campbell.....Counsel for Tilden.
148. Roscoe Conkling.....Senator, New York.
149. Montgomery Blair.....Counsel for Tilden.
150. Matt N. Ransom.....Senator, North Carolina.
151. David Dudley Field.....Counsel for Tilden.
152. William C. Whitney.....Counsel for Tilden.
153. Thomas W. Ferry.....Vice-President U. S.
154. James H. Blount.....M. C., Georgia.
155. J. D. Cameron.....Senator, Pennsylvania.
156. Martin I. Townsend.....M. C., New York.
157. William M. Springer.....M. C., Illinois.
158. Lyman Trumbull.....Counsel for Tilden.
159. Matt H. Carpenter.....Counsel for Tilden.
160. Jeremiah S. Black.....Counsel for Tilden.
161. George Hoadly.....Counsel for Tilden.
162. Ashbel Green.....Counsel for Tilden.
163. Matthew G. Emery.
164. Alex. Porter Morse.....Counsel for Tilden.
165. H. B. Banning.....M. C., Ohio.
166. Mrs. Nannie Merrick.
167. Blanche K. Bruce.....Senator, Mississippi.
168. Henry W. Blair.....M. C., N. H.
169. Miss M. V. Frelinghuysen.
170. Mrs. Christine Tyner.
171. Sir Edward Thornton.....British Minister.
172. Hiester Clymer.....M. C., Pa.
173. Mrs. Laura H. Tucker.
174. Mrs. Fannie H. Gordon.
175. John B. Gordon.....Senator, Georgia.
176. John A. Logan.....Senator, Illinois.
177. S. S. Cox.....M. C., New York.
178. Mary F. Waite.
179. Mrs. Helen M. Dorsey.
180. Thomas Swan.....M. C., Maryland.
181. Mrs. Mary Cameron.
182. Mrs. C. Adele Fassett.
183. Mrs. Mary A. Rice.
184. James G. Blaine.....Senator, Maine.
185. Mrs. Sallie R. Knott.
186. Carlile P. Patterson.....Sup't U. S. S. C. S.
187. Mrs. C. P. Patterson.
188. Mrs. Mary M. Gibson.
189. W. B. Allison.....Senator, Iowa.
190. Randall Lee Gibson.....M. C., Louisiana.
191. Mrs. Lillie E. Willis.
192. Charles W. Hoffman.....Librarian L. L., U. S. S. C.
193. C. H. McCall.....Page, S. C. U. S.
194. Robert Brown.....Page, S. C. U. S.
195. Fred. M. Matterson.....Page, S. C. U. S.
196. H. J. Lauck.....Messenger, E. C.

doctrine, for by it states and the peoples of states can be stripped of their rights and liberties with no power to resist. We protest against the decision, finally, because by it the people of the whole United States are defrauded and cheated, because by it a person is put into the great office of President who has never been chosen according to the Constitution and law, and whose only title depends on the false and fraudulent certificate of two men in the state of Florida, instead of a majority of the legal voices of the whole people declared through and by their electoral colleges.

In the case of Louisiana the decision of a majority of the commission is a stupendous wrong to the people of that state and all the other states, and in defiance of all right, justice, law, and fair dealing among men. The law of that state establishes a returning board to consist of five persons of different parties, with power to fill vacancies, and to canvass and compile the returns of votes from the different parishes and precincts, and declare the result. The board is given power and jurisdiction, provided affidavits are annexed to and received with the return from any precinct or parish, to inquire whether intimidation has existed, and if it is established to throw out the return for such parish; but this jurisdiction is carefully confined to cases where affidavits are attached to and returned with the returns of the votes; in no other case whatsoever is the power to reject votes given.

It was offered to be proved, and was not denied, that the board giving the certificate to the Hayes electors consisted of four persons all of the Republican party, instead of five persons of different parties, as required by law; that these four members had been requested and required by Democrats to fill the vacancy with a Democrat, but had uniformly refused to do so.

It was offered to be proved, also, that this board of four persons, all of the Republican party, in order to perpetrate the frauds with ease and impunity, employed five disreputable persons as clerks and assistants, all of whom had been convicted or were under indictment for various offenses, ranging from subornation of perjury up to murder. Indictment, at least, if not conviction, seemed the only admitted qualification of employment by that extraordinary board.

It was offered to be proved, and was not denied, that this board, in order to give the certificate of election to the Hayes electors, had rejected ten thousand votes, and this was done, although not a return thrown out had been accompanied by the requisite affidavit to give jurisdiction to act at all.

It was offered to be proved that the members of this returning board, in order to give the certificate of election to the Hayes electors, had

resorted to and used affidavits known to them to be false and forged, had themselves been guilty of forgery, and had been paid for making their determination, thus adding bribery to the catalogue of their crimes.

Numerous other corrupt and fraudulent practices were offered to be proved against the members of this returning board, among the least of which was a wicked conspiracy to rob the people of Louisiana of their rights and liberties.

The decision of a majority of the commission rejected all this evidence, and held that the certificate of election given to the Hayes electors must stand, and could not be inquired into, if all such offers of proof could be substantiated.

By that decision the people of the United States are told that the certificate of a board constituted in direct defiance of the law establishing it, and made by grasping a jurisdiction never granted to it, arrived at by forgery, perjury, wicked conspiracy, and the grossest frauds, and finally bought and paid for, must stand, and cannot be set aside; that, although thus steeped in sin and iniquity, it must make the chief magistrate of a great, free, and intelligent people.

The undersigned protest against this decision, also, as bad in law, worse in morals, and absolutely ruinous in its consequences. They denounce it in the presence of the people of the United States, and in the face of the world, because, if intended and designed for such a purpose, it could not have been more cunningly contrived than it is to encourage the grossest frauds, conspiracies, and corruptions in the election of a President. They denounce it, because it will debase the national character, deaden the public conscience, and encourage fraud and corruption in all the public and private transactions and business of the people. They denounce it, because for the first time it declares to the people that by their organic law, the Constitution, it is ordained that a man may seek for, obtain, and hold this great office of chief magistrate of two and forty millions of free-men by fraud and cheating.

Nay, more, that he may openly buy the votes to elect himself, and pay down the price when the purchase is consummated by the count by the two houses of congress, and call them to witness the payment; and that there is no help for it but revolution. They denounce it, because, in effect, it puts up the great office of President at auction, and says to the whole world that it may be bought in safety, and that there is no way known to man by which the title by purchase can be disputed or gainsaid.

In the Oregon case, a certificate signed by the governor and secretary of state, and under the great seal of the state, certified to the election of



KEY TO PICTURE OF THE ELECTORAL COMMISSION.
IN THE GALLERY (THE PRESS).

1. W. H. Roberts.....New Orleans Times.
2. John M. Carson.....New York Times.
3. Ben: Perley Poore.....Boston Journal.
4. George W. Adams.....New York World.
5. T. C. Crawford.....Chicago Times.
6. A. M. Gibson.....New York Sun.
7. W. Scott Smith.....New York Evening Post.
8. C. W. Fitch.....Pittsburgh Chronicle.
9. H. V. Boynton.....Cincinnati Gazette.
10. Wilson J. Vance.....Cincinnati Commercial.
11. Mrs. Jane G. Swisshelm.
12. L. A. Gobright.....N. Y. Associated Press.
13. Mrs. S. J. Lippincott.....("Grace Greenwood").
14. Miss Austine Snead.....("Miss Grundy").
15. Miss Emma Janes.....Toledo Blade, etc.
16. Mrs. Mary E. Nealy.....Home Journal.
17. Mrs. M. D. Lincoln.....Cleveland Plaindealer.
18. Miss Sallie Woodbury.....National Union.
19. Mrs. Fannie B. Ward.....New Orleans Picayune.
20. Mrs. Adèle M. Garrigues.....Courier, East Saginaw.
21. W. M. Olin.....Boston Advertiser.
22. W. O. Fishback.....St. Louis Republican.
23. DeB. R. Keim.....Philadelphia Press.
24. Crosby S. Noyes.....Ed. Evening Star.
25. James R. Young.....Phil. Evening Star.
26. W. E. Curtis.....Chicago Inter-Ocean.
27. E. B. Wight.....Chicago Tribune.
28. E. H. Luther.....Boston Post.
29. Charles Nordhoff.....New York Herald.
30. Clifford Warden.....Pittsburgh Telegraph.
31. F. A. Richardson.....Baltimore Sun.
32. E. V. Smalley.....New York Tribune.
33. L. Q. Washington.....Courier-Journal.
34. Mrs. E. S. Cromwell.....Chicago Herald.
35. Mrs. Nellie S. Stowell.....Kansas City Journal.
36. Mrs. Fayette C. Snead.....("Fay") Courier-Journal.
37. Mrs. A. J. Rowland.....Oxford (Pa.) Press.
38. Frank Hatton.....Burlington Hawkeye.
39. E. Stoddardt Johnson.....Ed. Frankfort Yeoman.
40. A. C. Buell.....The Capital.
41. Mrs. A. D. Johnston.....Rochester Democrat.
42. Miss Mary E. Mann.....Troy Daily Times.
43. Charles L. Flanagan.....Phil. North American.
44. Mrs. Elvira Bliss Sheldon.....Grand Rapids Eagle.
45. W. Harry Clarke.....Nat'l Associated Press.
46. I. N. Burritt.....Ed. Washington Herald.
47. C. Cathcart Taylor.....Philadelphia Times.
48. Wm. P. Copeland.....New York Bulletin.
49. E. F. Waters.....Prop. Boston Advertiser.
50. J. Edwards Clarke.....New York Mail.
51. Jno. C. Burch.....Ed. Nashville American.
52. Mr. Goddard.....Ed. Boston Advertiser.
53. Howard Carroll.....New York Times.
54. S. H. Kauffmann.....Evening Star.
55. Wm. C. Macbride.....Cincinnati Enquirer.
56. Z. L. White.....New York Tribune.
57. Edwin Fleming.....Journal of Commerce.
58. L. W. Kennedy.....Daily Chronicle.
59. M. J. Dee.....Detroit Evening News.
60. George Douglas.....Washington Capital.
61. Mr. Parr.....Pittsburgh Post.
62. Mrs. G. W. Thomson.....Journal.

two Hayes and one Tilden elector. The three Hayes electors produced no certification of election signed by any person—only a certificate of certain results—from which it was claimed that it could be inferred who were elected. The law of Oregon required a list of the persons elected to be signed by the governor and secretary of state, under the great seal, and this requirement, as well as that of the acts of congress, was fully met and satisfied by the first certificate. There was no certificate in the second case in any manner complying with the laws of Oregon or the acts of congress. Yet by the decision of the commission the first certificate was rejected and the second taken, although clearly neither in conformity with state or federal law.

The undersigned voted against counting the vote of the Tilden elector, because, notwithstanding the certificate of the governor and secretary of state, they were satisfied he had not been elected by the people of Oregon, and that his vote would not have been the true vote of that State. The majority of the commission decided to set aside and reject the certificate and return, precisely the same in character that they had holden to be conclusive against all evidence in the Florida and Louisiana cases. They adopted and acted on a certificate insufficient, if they regarded their former rulings, under any law, state or national.

The undersigned denounce the Oregon decision as utterly at war with and reversing the rule established in the two former cases, and because it changes the law to meet the wants of the case, establishing different rules applicable to the same facts to bring about a desired result.

In the Florida case, where the evidence failed to establish the fact, the majority of the commission voted to receive evidence to prove one elector held an office of profit and trust under the United States when appointed.

In the Louisiana case, where there was no doubt that two electors held such offices when appointed, it was voted not to receive evidence of the fact, because it was not offered to be proved that they continued to hold such offices where they voted. Apparently the rules change as the requirements of the case change.

In South Carolina the undersigned voted against the Tilden electors being declared elected, because they had not received a majority of the votes of the people. In that case it was offered to be proved, in substance, that United States troops in large numbers were sent to the state before the election, for the purpose of influencing and controlling the votes to be given thereat, by interfering with and overawing the people, and that the militia of the state was used for the same purpose; that the polls were surrounded by armed bands, who by violence and force pre-

vented any exercise of the right of suffrage except on one side; in fact, that the election was controlled by the armed forces of the state and nation, and a resort to all manner of brutality, violence, and cruelty, and was not free.

The majority of the commission refused to admit the evidence, on grounds that would fairly warrant a President of the United States in using the whole army to take possession of all the ballot-boxes in any state, and allow no voting except for himself if he was a candidate for re-election, or for his party, and which would require both houses of congress to re-count the vote so obtained, and to give him the fruits of such a willful and wicked violation of all constitutional law and right.

If any decision better calculated to destroy the liberty of a free people, to destroy all faith in a republican form of government, a government of the people by the people, could be devised and contrived, the undersigned have not been able to discover it. They denounce the decision as an outrage upon the rights of all the people, and, if sustained and acted on, as the utter ruin of our institutions and government.

The foregoing is a brief statement of the action of the commission. To defeat that action the undersigned have done all in their power. They protested against it before it was accomplished, and they protest against it now. They know the commission was established to receive evidence, not to shut it out. They know the conscience of this great people was troubled by fear that any one should obtain the high office of President by fraud, cheating, and conspiracy, and that it demanded that the charges and counter-charges of corrupt practices in reference to the election in three states should be honestly investigated and inquired into, not established and sanctified by refusing all inquiry and examination.

They know the conscience of the whole people approved the law establishing the commission, nay, hailed it with joy, because it established, as all believed, a fair tribunal, to examine, to inquire into, and determine the charges of fraud and corruption in the election of three states; and they believe that this conscience has been terribly disappointed and shocked by the action of the commission, which establishes fraud and legalizes its perpetration, instead of inquiring into and condemning it. The undersigned believe the action of the majority of the commission to be wrong, dangerous, nay, ruinous in its consequences and effects.

It tends to destroy the rights and liberties of the states and of the United States and the people thereof, because by it states may be robbed of their votes for President with impunity, and the people of the

United States have foisted upon them a chief magistrate, not by their own free choice honestly expressed, but by practices too foul to be tolerated in a gambling-hell. By the action of the commission the American people are commanded to submit to one as their chief magistrate who was never elected by their votes, whose only title depends on fraud, corruption, and conspiracy.

A person so holding that great office is an usurper, and should be and will be so held by the people—as much an usurper as if he had seized and held it by military force; in either case, he equally holds against the consent of the people.

Let the people rebuke and overrule the action of the commission. The only hope of the country rests on this being done, and done speedily and effectually, so that it may never become a precedent to sustain wrong and fraud in the future. It is the first and highest duty of all good citizens who love their country to right this foul wrong as soon as it may be done under the Constitution and laws. Let it be done so thoroughly, so signally, so effectually, that no encouragement shall be given to put a second time so foul a blot on our national escutcheon."

The letter of Senator Hoar, who sat with Judge Abbott on that commission, and the letter of General Butler, sufficiently indicate the importance of the part borne by Judge Abbott on that commission. He sat next to Garfield, who had known his brother Fletcher Abbott in Toledo. It was the conscientious conviction of Judge Abbott that the decision of the majority was wrong. Nevertheless he turned a deaf ear to all solicitations of some of his fellow-democrats to aid in preventing the counting of the electoral votes according to that decision. He insisted on maintaining the forms of the Constitution. Senator Hoar writes:

"Worcester, Massachusetts, September 17, 1891.

My dear Sir:

All my recollections of Judge Abbott are of an exceedingly pleasant character. I do not think I should speak of him as my contemporary at the bar, unless that word were used with a pretty comprehensive meaning. When I was a law student from 1846 to 1849 I used to attend court in Concord a good deal, and was present at the trial of a good many causes where Judge Abbott was counsel. He was then one of the leaders of the very able bar of Middlesex county, having been out of college sixteen or seventeen years, and having come forward into leadership very rapidly. After I myself was well established in Worcester, I

was opposed to Judge Abbott in several important cases. He impressed me with his great fairness and justice as well as with his great ability. I remember that he interposed his authority to compel a just settlement in several cases. In one of them, his client, a strong corporation, seemed disposed to do great injustice to a poor man, which I think would have been accomplished but for Judge Abbott's insisting on a reasonable settlement.

He was in the house of representatives for a single session only, if I remember right. The high reputation which he brought with him to the house was shown by the fact that he was made one of the democratic members of the electoral commission. In that commission he stated the view of his party with great vigor and ability and with entire courtesy. It is unnecessary to say that that was a transaction which excited very deeply the feeling of the whole people of the country and especially of those who were called upon to take a conspicuous and responsible part in it. I do not think the kindly feeling toward Judge Abbott of his republican associates in Washington was interrupted by anything which occurred at that time. I am, faithfully yours,

GEO. F. HOAR

HON. CHARLES COWLEY."

General Butler writes:

"At Home, November 22, 1891.

My dear Mr. Cowley:

I had the pleasure to receive your kind invitation to be present at the 'Old Residents' meeting of our city, which would have permitted me to pay my tribute of respect to the memory of the late Judge Josiah G. Abbott; but the condition of my health was such that its literal acceptance was impossible, but I take advantage of the occasion to say, very imperfectly, a few words on that subject.

Judge Abbott and myself were, from 1839 to the end of his life, warm personal friends. He was my senior, but soon we came in contact with each other in the trial of causes as well before juries as in arguments before the supreme court, and I witnessed with care many of his efforts in other litigations. From actual personal knowledge I can bear testimony to his high talents as a lawyer, to his fidelity to his clients, his untiring and ardent advocacy of their cause, his uniform courtesy as a gentleman to his opponents in the court, to his honorable faithfulness to all engagements and understandings between counsel and to his great success in his profession. In 1855 he was appointed justice of the superior court of the county of Suffolk, Boston, and acquitted himself in that

position so as to bring to himself merit and distinction. He resigned that position because its salary was utterly inadequate to the labor and bore no comparison to the emolument of his profession which he resumed in that city. He was an ardent democrat and received the honor of a seat in the house of representatives from that party so early that it was almost doubtful whether he was not too young to serve. Soon after he was elected to the senate and served there with enviable distinction. He was appointed senior aid-de-camp to Governor Morton. He was a candidate for congress, but being in a district with a large majority against his party his election was impossible.

When our unhappy war broke out in 1861 he remained truly and staunchly loyal to the country. I remember an incident on the 17th of April as I was going from Lowell to Boston to take command of the Massachusetts troops which were being sent to Washington. Judge Abbott met me in the same train of cars in the morning and said: 'Well, general, I hear that you are going to take command of our soldiers who go to Washington.' I said: 'Yes, judge; for want of a better.' 'Well,' said he, 'you will have with you poor soldiers in distress and suffering at some turn of affairs; let me contribute my mite to relieve that suffering.' Putting his hand in his pocket he took out some bills and handed me one hundred dollars. I said: 'Judge, you are very generous, but let me give you a memorandum of this.' 'No, no, Butler,' he said, 'we have lived too long together to need a memorandum in a matter of this sort between each other.' I said: 'Thanks, judge; I will see to it that your money shall reach its full destination.' Soon after, he gave two of his sons to the war. I use this phrase, for they were literally given to the country, as he lost them both on the battle-field serving with high honor. Thus he did his duty to his country, at the same time retaining his political beliefs.

In 1874 he was elected to congress from one of the Boston districts. A new member of congress usually has to serve a term or two as an apprentice before he can attain any considerable prominence in the house, but Judge Abbott's high standing and abilities gave him instantly high position with his party, and when in 1876 the best talent and the highest legal ability of the house on the democratic side was to be selected to serve on that most important body, the electoral commission, having to deal with new and unprecedented questions, Abbott was selected with singular unanimity. He took the leading part in that commission. He was strongly impressed, to say the least, with the irregularities under which the local elections were held, and especially in the states of Louisiana and Florida, which resulted in the claimed election of Hayes. The

minority decided that a formal protest should be made to the country against the decision of the majority, and Abbott was selected to prepare that protest, the work and performance of which required much legal learning and the greatest talent in presentation of the arguments which must accompany it. He prepared the paper with his accustomed skill and ability. It was read before his associates and approved, but upon discussion the decision to make any protest was reconsidered, all agreeing, however, that if such protest was to be made the one just read was the very best presentation of the case. Political reasons bearing on the future of the party were the grounds of non-presentation upon which the decision was based. I have had the pleasure of examining Judge Abbott's paper with great interest. To analyze it so as to do it justice would be far beyond the limits of such a letter as I am now writing. It must suffice to say that it was worthy of Judge Abbott, and equal to any efforts of his life; that is to say, it was done as well as it could be done, and with singular and quite judicial impartiality.

I take leave to close by saying that a more honorable gentleman, a better or more loyal citizen, or a more impartial judge has never lived than Judge Abbott, and a truer friend to myself I have not the misfortune to mourn.

I am, very truly yours,

BENJ. F. BUTLER.

HON. CHARLES COWLEY."

Josiah Gardner Abbott was born in Chelmsford, Massachusetts, November 1, 1814, and was a descendant in the seventh generation of George Abbott, a Yorkshire Puritan who migrated from England in 1640 and settled in Andover, Massachusetts. His father, Caleb Abbott, removed from Andover to Chelmsford, and married Mercy Fletcher, whose ancestors had lived in that part of Chelmsford now Lowell upon its first settlement in 1653. Both of Judge Abbott's grandfathers fought at Bunker Hill, and held commissions in the continental army. He was reared under the best domestic influences and taught by the best teachers. One of these was Ralph Waldo Emerson, another was the Rev. Abiel Abbot, D.D. He entered Harvard in 1828, and graduated with distinction in 1832. In 1836 he commenced the practice of law in Lowell, and served as one of the representatives of that city in the legislature of 1837. In 1840 he edited the *Lowell Advertiser*, which he conducted alike with ability and good taste. In 1842 and 1843 he served with marked distinction in the state senate, being a member of the committee on the judiciary and chairman of the committee on railroads.

In 1853 he served as a delegate from Lowell to the constitutional con-

vention, in which he advocated an elective judiciary and making juries judges of law as well as of fact in criminal cases. In 1855 he was appointed a judge of the superior court, and became exceptionally popular with the bar and the public. In January, 1858, he left the bench on account of the larger emoluments eminent counsel can secure in practice. His salary as judge was only three thousand dollars a year, but in the first year after quitting the bench his professional earnings were more than twenty-nine thousand dollars, and in a later year they rose to thirty-six thousand dollars. In 1861 he removed his residence from Lowell to Boston, and afterward added a summer home at Wellesley Hills.

With Judge Abbott, as with Andrew Jackson, it was an inflexible rule of faith and practice that "the Union must and shall be preserved"; and from the first gun at Fort Sumter to the last at Appomattox, he gave the powerful support of his voice, his purse, and his pen to the cause of the Union. Three of his sons with his encouragement accepted commissions in the Union army, and two of them were killed in battle.

Judge Abbott participated in many enterprises outside of his own vocation, and was president or director of various manufacturing, railroad, and water-power companies at Lowell and Lawrence, Massachusetts, and at Lewiston, Maine. In 1874 he was elected to congress, and served on the special committee which was sent to South Carolina to investigate the facts connected with the presidential election of 1876 in that state, and prepared the report of that committee. He was absent from Washington when the bill creating the electoral commission was introduced, and was personally opposed to that measure; but after the bill had been proposed by the democrats, accepted by the republicans, and enacted as a law, he felt it to be his duty to see that its provisions were carried out. The intention originally was to give a place on the electoral commission to one of the representatives from New York—Fernando Wood or Samuel S. Cox. But neither of them seemed quite the man for such a place. Friends of Judge Abbott, in his absence and without his knowledge, resolved to present his name for that place to the democratic congressional caucus. They did so, and it was unanimously adopted. Speaker Randall warmly approved the choice. It was not known outside of a few that Judge Abbott wrote the address to the country on behalf of the democratic minority of that commission, which is here given to the world as a matter of historic interest.



LOWELL, MASSACHUSETTS.

THE PICTURE OF THE ELECTORAL COMMISSION

Our frontispiece this month is of manifold interest. Aside from its faithful representation of a remarkable event in our national history, it contains the portraits of a great number of the most eminent men and women of America, many of whom have since passed away. Mrs. Fassett, the author of the great historic painting, was present at all the open sessions of the electoral commission, and by permission of its president, Justice Clifford, made artistic studies from day to day. The commissioners were Allen G. Thurman, Thomas F. Bayard, Frederick T. Frelinghuysen, Oliver P. Morton, George F. Edmunds, Justice Miller, Justice Clifford, Justice Stephen J. Field, Justice Joseph P. Bradley, Justice Strong, H. B. Payne, Judge Abbott, James A. Garfield, George F. Hoar, and Francis Kernan who acted as substitute for Allen G. Thurman during his illness. All of these portraits are quickly recognized in the picture. The artist's first sketches of William M. Evarts and Charles O'Connor were made on the opening day, while presenting their arguments in the Florida case. During the memorable month of February, 1877, sketches were made of the members of the commission, of the lawyers, statesmen, politicians, jurists, members of the press, and leaders of society, who were present, and the composition of the picture completed; the work in oils was begun March 5, 1877. Mrs. Hamilton Fish was the first to give the artist a sitting; her husband, the distinguished ex-secretary of state, following the next day.

All the portraits were painted from life-sittings, with the exception of one or two foreign ministers, or like Senator Morton, deceased, in which cases photographs were used. For three summers and two February vacations of the supreme court, the supreme court room and Marshal Nicolay and all the attendants were placed at Mrs. Fassett's service, and every possible facility afforded by Chief Justice Waite and the associate justices for her work. The sittings were chiefly in the supreme court room or in the studio, although occasionally, as in the case of Charles O'Connor, the artist went to other cities to complete her studies.

This picture was recommended for purchase by the joint library committee of the forty-fifth congress; then again by the joint library committee of the forty-seventh congress. It was purchased by the government in March, 1886, and now hangs in the corridor leading to the reserved gallery of the senate in the capitol at Washington, D. C.

THE ENTERPRISE OF CHRISTOPHER COLUMBUS

A CRITICAL AND COMMON SENSE VIEW

PART II

Ferdinand and Isabella now applied to the pope to have the lands discovered and to be discovered confirmed to them, and quickly received the sovereign empire and principality of the Indies, with royal jurisdiction over all that hemisphere—the Spanish and Portuguese Indian sovereignties being divided by a line drawn from pole to pole, a hundred leagues west of the Azores. With equal haste another expedition was fitted out, consisting of seventeen vessels and fifteen hundred men, and it sailed on the 23d of September, 1493.

This armada was charged to deal lovingly with the Indians and to honor them much. Sir Arthur Helps, whose book on the Spanish conquests in America is classic, is misled by this into representing Isabella as a sort of saint, full of gentle consideration for her new subjects. He also extols the mildness of Columbus. I do not suppose the queen and her ministers were worse than other people of their times, but I cannot think they were so much ahead of them as to possess the fine feelings of ourselves, the saints of a later day, who readily fire up with indignation at any harsh treatment of negro or Indian. The instructions, moreover, had to meet the eye of all Europe, and might possibly be debated in the courts of great Asiatic potentates. In short, they were nice enough in theory but were drawn up under erroneous impressions and amounted in practice to waste paper.

When Columbus returned with his armada to Hispaniola, he found La Navidad destroyed; the Spaniards who had been left there had taken to evil courses, straggled about the country, and had been utterly cut off by a neighboring chief called Caonabo. So he built a new fort in a different part, and having received presents of gold from Cibao, he resolved to found a colony there, and wrote thus to Los Reyes. In this memorial (1494) he drops the mask and boldly, I may say shamelessly, proposes to capture and make slaves of the cannibals. Considering the quantities of cattle, etc., wanted, he proposes that cargoes of necessaries be sent out every year, to be paid for in slaves, captured among these people.

He urges, of course, that it will be good for the cannibals to be con-



CHRISTOPHER COLUMBUS.

FROM THE ORIGINAL PAINTING IN THE ROYAL GALLERY AT NAPLES, BY FARMIGIANO.

[Fac-simile of a large mezzotint engraving by W. O. Burgess, in the collection of Mr. W. C. Crane.]

verted to the Christian faith, also that their majesties can collect customs duties on them—as we do upon Chinamen, \$50 a head. He is careful, too, to hint that every such vessel should have a trustworthy royal officer on

board, who should make sure that the merchandise went nowhere else—in *ninguna otra parte ni isla salvo aqui, donde ha de estar la carga y descarga de tode la mercaderia*. Now if Helps' view were correct, the answer would have been a decided negative, indignantly flaming out in passionate words; but the royalties actually wrote, "Let this matter lie over for the present, *until there come some other way of doing it there*, and let the admiral write what he thinks of this." Helps claims that "this proposition for the establishment of slavery was wisely and magnanimously laid aside."

The answer only means, on fair examination, that the court wished the slaves to be sold and the regular market established in the Indies, not in Spain. Thus, as each slave would bring a less price, the mother country would receive a greater value for the commodities furnished, which was clearly the best policy for Spain, but was not so advantageous for the admiral's private interests, under his agreements. Nor did Columbus omit in his memorial an account of his hunt for gold. It has been found, he says, in two rivers, but it is evidently produced on the land, not in the rivers, which, coming in contact with the mineral, wash it away with the sand. Some of the rivers are large, but some are only six inches deep, and quite short; men are therefore wanted, some to wash the gold from the sand, others to dig it out of the earth, and a few should come who have experience in the mines at Almaden. The memorial goes on to say he would not be able to make discoveries that year until his gold washing arrangements were perfected. Quoth their majesties, "*Trabaje como lo mas preciso que ser pueda se sepa lo adito de ese oro*."

It is of the utmost immediate importance that he should find the way to this gold. However, he did go a sailing, discovered fresh islands, among them Jamaica, and then went to San Juan to capture cannibals. On returning he found the colonies in uproar—his people had been marking their footsteps with rapine, injury and insult, many had been killed, the rest were in great danger. He collected his forces, took the initiative, engaged the Indians, utterly routed them, taking so many prisoners that he sent back four ships laden with Indian slaves. Proceeding to attack some other tribe under Caonabo, he is said to have found one hundred thousand arrayed against his two hundred. A "horrible carnage" ensued, the Indians being attacked by the admiral and by his brother Bartholomew from different sides, and many, taken alive, were condemned to slavery. Other skirmishes followed; Caonabo was taken alive and sent to Spain. Numbers were slaughtered, multitudes fled to the forests and mountains. Bad as the cannibal Caribs had been, these Christian Spaniards were infinitely worse. Finally there came abject sub-



CHRISTOPHER COLUMBUS AND HIS SONS DIEGO AND FERDINAND.

FROM AN ANCIENT SPANISH PICTURE IN POSSESSION OF EDWARD HORNE, ESQ., OF BEVISMOUNT NEAR SOUTHAMPTON.

[From the collection of Mr. W. C. Crane.]

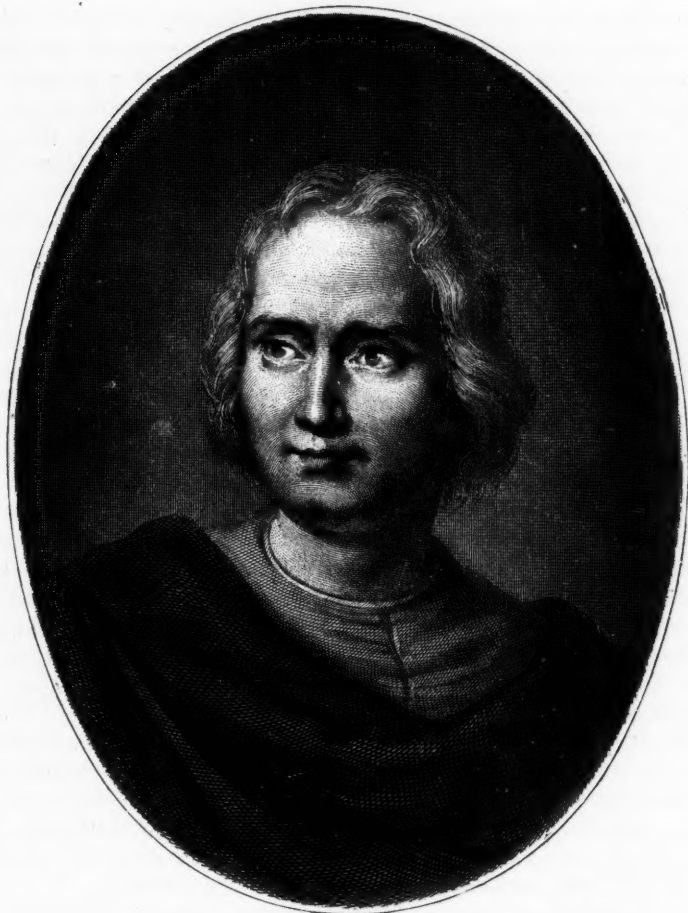
mission, and many offered themselves to the service of their conquerors if only they might be allowed to live in their own ways.

Columbus then put them all to tribute—every Indian above fourteen years of age in the mining provinces was to give every three months a little bell full of gold; in the other provinces an arroba of cotton; a tag

hung round their necks being the mark of payment. The Indians knew little about washing gold, the tribute was harsh, and as it could not be lived up to, service was in certain cases substituted for tribute; the villagers were ordered to make and cultivate farms in the Spanish settlements. So desperately were they driven that they actually tried to starve the Spaniards out by a general abstention from sowing or planting anything. They thought they might themselves subsist in the mountains on a scanty nourishment of roots and berries, while the Europeans would have to leave. The Spaniards suffered, but stayed and revenged themselves by further atrocities, the Indians dying in droves, of famine, sickness, misery.

A commissioner of inquiry was next sent out from Spain; one might hope he was to inquire into the grievances of the poor natives. Not at all. There were complaints against Columbus by the whites, his selfish and domineering character having made him many enemies, and he had to go home in 1496 to defend himself, which he did successfully; but he left Don Bartholomew Columbus behind, who wrote that the caciques were killing the Castilians, and being told to send the guilty ones to Spain, instantly shipped three hundred slaves. Another rising, more fighting or man catching, and in 1498 when Columbus went out again he forthwith sent back five vessels with six hundred slaves, and wrote as follows: "In the name of the Holy Trinity there can be sent as many slaves as sale can be found for in Spain; and they tell me that four thousand can be sold, also some log-wood, realizing together about \$60,000."

He was getting into years, we may observe, and wanted to make his money quickly. Next he proposed to exchange slaves for goods—his old idea—and asked that the colonists should be allowed to make use of the Indians for a year or two until things were a little further settled. He was imprudent in not awaiting the answer before allotting to various parties, probably partisans of his, both lands to till and Indians to till them. This having been laid before the queen, doubtless by those whom he had neglected, she affected to be incensed that he should without authority give her vassals to any one, and as some people had brought their Indians to Spain, they were ordered to send them back. Other causes of complaint appearing, Columbus was superseded, and the new governor, Francis de Bobadilla, promptly put the admiral and his brothers in chains and sent them home to Spain. This was the last of Columbus as an administrator, in which, it is evident, he was a signal failure—as might have been foreseen. No Genoese sailor-man, born among sheep-skins—whose only sister, by the way, married a sausage dealer—



CHRISTOPHER COLOMB.

SEUL PORTRAIT VERITABLE, ATTRIBUÉ A ANTONIA DEL RICON.

[From the collection of Mr. W. C. Crane.]

brought up to piracy and slave-trading, could be expected to succeed in such a task, notwithstanding his having the rudiments of a polite education. The Spaniards, moreover, were always jealous of this foreigner, whose exclusive mercantile rights were making him rich, while they were not acquiring dignity or wealth.

In all matters not affecting the common feelings of humanity I wish to judge leniently, and perhaps I may here quote Columbus himself on this very point. "They judge of me," he cries, "as if I were a governor sent into Sicily or some province or city under regular government. . . . I ought to be judged as a captain sent from Spain to conquer the Indies from a numerous and warlike nation with customs and beliefs quite contrary to ours, who dwell in rough mountains, without regular habitations, where by divine will I have placed another world under the dominion of the king and queen our rulers, through which Spain, which used to be called poor, is now rich. I should be judged as a captain who for all this time has worn armor, never putting it off for a single hour; and not by carpet knights alone, but by gentlemen of experience and accustomed to arms."

In due course of events Columbus was released and restored to partial favor, again setting sail in 1498, discovering Trinidad, and afterwards the mainland, the coast of Paria, where the natives came to the ships in their canoes, in countless numbers, many of them wearing pieces of gold upon their breasts, and some having bracelets of pearls upon their arms. He says the people were very graceful in form, tall and lithe, and the chiefs conducted his men to a very large house with façades, in which were many seats, where they gave them bread and wine, both white and red—the bread thought to be made from maize and the wine from various kinds of fruit, not grapes. The people bound their heads with handsomely worked kerchiefs, and used the same material to envelop their bodies. They were lighter in color than the islanders, and it was the fashion among all classes to wear something on the breast and arms. Many wore pieces of gold, hanging low on the bosom. The numerous stone and shell gorgets found in Canada and the United States were probably used in conformity with the same fashion. Their canoes were longer, lighter, and of better shape than had been seen before, and in the middle of each they had a cabin or room in which the chiefs and their wives were wont to travel.

Next come some curious observations, in reading which we should remember that fifty more years had to elapse before Copernicus could announce in his *De Revolutionibus* the true theory of the solar system, and more than a hundred before Galileo with his telescopes founded the new astronomy. As he had previously observed in similar latitudes, he noticed that the north star moved in a circle, which by repeated measurements with his quadrant he thought was five degrees in diameter or more. He says, "When night came on, the polar star was five degrees in altitude; then the guardians were overhead. At midnight the star was elevated ten

degrees, and when morning drew nigh the guardians were fifteen feet below." At first I thought Columbus' observations were absurdly astray, for the distance of the north star from the true pole is less than one and one-half degrees, so that the circle it describes around the pole is scarcely three degrees in diameter. But it occurred to me that as Columbus' observations were made four hundred years ago, there might be an appreciable change in the position of the pole. By actual calculation, however (aided by Mr. Thomas Lindsay, secretary of our Astronomical and Physical Society), I find the distance of the star from the pole there to have been three degrees and over, the diameter of the circle, therefore, to have been a little over six, so Columbus was not so far astray as at first sight appeared. The curious thing is, how came he to think it was only in southern latitudes this phenomenon was apparent? It must be because it is more noticeable when the polar star is near the horizon, and he did not think of varying the observation in various latitudes.

He had always thought, from Ptolemy and others, that the world was spherical, but now he believed it to be pear shaped; roundish as a whole, but with a protuberance where the stalk grows. From the west of the Azores, the land must rise gently towards the sky. He imagines the earthly paradise is a little farther on in the direction he had been traveling. Of course he thinks it inaccessible, but he believes the great streams he has found upon the ocean's surface may proceed from it. His science, we see, is rambling throughout, but I think we may absolve him from the charge of charlatanism. Still, would it not have been enough to add to glory slaves, to slaves gold, to gold pearls, without leading the queen to expect the discovery of paradise? He winds up by stating that while forwarding his dispatch and a chart of the region, he has sent the *adelantado* (lieutenant governor) with three ships to make all possible discoveries in these parts, where he believes in his soul that paradise is situate!

It would not be strange if at this period Columbus' mind was considerably unhinged. He had set out to seek fame, power, wealth. Fame he found empty; power unsatisfactory, because it was prostituted to the mere pursuit of riches; wealth remained his only object, and we all know how the pursuit of gain maddens a restless intellect. We will hasten to a brief consideration of this period, in which we shall see the last of Columbus as a navigator; and, if we were Greeks, we should plainly see the avenging Furies hurrying behind his vessels in the tempestuous air, and hear the stern decree of just but merciless Fate, requiring expiation for the race destroyed in the new world it was given him to discover.

In 1502 he sailed from Cadiz to the Canaries in four days, thence to the Indies in sixteen. Though a tempest set in upon his arrival, he was forbidden to land in Española, and "who that was ever born," quoth he, "not excepting Job, would not have died of despair. Though the safety of my son, my brother, and my friends depended on it, I was even at such a time ordered not to set foot upon the soil or seek the harbors which I through the will of God and through shedding of blood had gained for Spain!" The tempest lasted for eighty-eight days, during which he could see neither sun nor stars. "My ships," he says, "were in the open sea, their sails blown to ribbons; anchors, rigging, cables, boats, and many provisions lost; the crews very weak, and all repentant, many vowing to live a religious life, all making some vows of pilgrimage, while they were often seen to make confession to each other." However, in due course he reached the land of Cariay, and while refitting there, two Indians conducted him to Carambaru, "where the people go naked, with a golden mirror on their necks." These mirrors he does not forget to say were twelve or fifteen ducats in weight, and the folks would trade them for three hawks' bells. He was also told of Veragua and Ciguare. At the former place he sent seventy men ashore, whom the Indians conducted to a lofty mountain, and, showing them the land as far as the eye could reach, told them there was gold in every part. Why, in ten days they said, a man could collect as much as a child could carry, and, in fact, the people he sent to see for themselves, in four hours time all brought back some gold. The Indians however were hostile and massacred some boats' crews.

One of his tempest-tossed vessels was still locked in by a bar which had formed outside the anchorage and from which he had with much difficulty released the others, though leaking like sieves through the ravages of the Teredo. Columbus was suffering from fever and from excessive anxiety and fatigue. All hope of escape indeed seemed gone. What, in such a case, is all the gold in the world to any man?

Just then, his letter says, an extraordinary event occurred. In a species of delirium he painfully climbed the poop. With tremulous and imploring voice and tearful eyes he called for aid on the war captains of the sovereigns from all the four winds of heaven, but none made answer. Groaning from exhaustion he fell asleep, and, in a trance, he heard a pitying voice: "Fool, and slow to believe and serve thy God. What has he done more for Moses or for his servant David? From thy birth he has watched over thee. When he saw thee reach a fitting age he made thy name wondrously celebrated throughout the world. The Indies, that rich portion of the earth, he gave thee for thine own; thou hast

divided them at thy pleasure, he giving thee power thereto. He gave thee the keys of the barriers of ocean, which had been closed with such mighty chains. Thou wast obeyed in extensive territories, and honorably renowned in Christendom. What did the Most High do for the people of Israel when he brought them out of Egypt, or for David, whom from a shepherd he made king in Jewry? Turn to him and acknowledge thy transgressions. His mercy is infinite, thy old age shall not hinder thy great undertaking. He holds many very great possessions. Had not Abraham passed his hundredth year when he begat Isaac? and Sarah, was she not stricken in years? Thou criest for uncertain help, but answer, who has afflicted thee so much and often, God or the world? The privileges and promises God has given; those he does not revoke, nor does he when he has received service ever say, this was not his meaning, he understood it otherwise. He does not inflict punishment to show his power; he fulfils things to the letter; his promises he performs with increase. Is this the usual way or not? Thus have I spoken of what the Creator has done for thee, as for all. At this very hour he is showing thee in part the reward for those toils and dangers thou hast gone through in the service of others." "I heard this," adds Columbus, "in a lethargy, but I could not reply in definite words." So whoever was speaking concluded thus: "Fear not, have confidence; all these sufferings are written on marble, and not without a cause."

This passage has, I believe, confused most previous readers—perhaps all in our day. I have revised the translation of Mr. Major's (for the Hakluyt Society), and while adhering even more faithfully than he to the very words, I think I am enabled to show plainly that this was not in any way a relation of an actual trance or vision. Tennyson sees the romantic, the poetical, the fanciful side, and gilds Columbus' gold with magic touch. He makes him say:

"And God
Hath more than glimmered on me. Oh, my Lord!
I swear to you I heard His voice between
The thunders in the black Veragua nights:
'O son of little faith, slow to believe!
Have I not been about thee from thy birth?
Given thee the keys of the great ocean sea?
Set thee in light till time shall be no more?'"

There is always a feeling of regret at destroying any beautiful eidolon, even the image of gold with the feet of clay on the Assyrian plain. But it is apparent that this is only an earnest personal appeal from Columbus

to Isabella for her to reconsider his position. The riddle is plain, the new light dawns fast, if for the words "God," "the Most High," etc., we read "Your Majesty." The clever letter is a piece of adroit flattery (the food of princes) so phrased that few people but the queen would understand it, but to her it must be crystal clear. He says in this fine composition into which he throws his whole soul, that he has been deprived of his authority, has called in vain for succor from her officers, so she herself must be appealed to, and he feigns to hear her answer. He accepts the hope that she is merely trying his patience and devotion. He acknowledges that her wisdom is supreme, and, like that of the Almighty, is chastening him for his faults. But he begs her to consider that she herself had promised and given him authority and a solemn covenant, his share of which he had performed and never neglected, not suffering it to lapse by *non user* or other default. He lastly expresses the conviction that on considering his state she will relent, and, again following the good example of the Lord Omnipotent, reinduct him into his honors and possessions, and continue the same to his posterity for generation after generation.

Going on with his account, his distracted mind begins to harp again on gold. "The fleet has been so tempest-tossed that none but he could know the way to Veragua again, and in Veragua he had seen more signs of gold in two days than he did in Española in four years. . . . Gold, gold, it is the most excellent of things. The Genoese, Venetians, all nations who possess pearls, precious stones, or other valuables, take them to the end of the world to trade and convert them into gold. Gold is treasure, and he who has it has all he needs in this world, and that which will help souls on to paradise. In Veragua I hear that when one of the lords of the country dies, they bury with him all his gold." Is it not sad to find a great mind so diseased as to hint at buried treasures a very ghoul might respect? Then he goes on to plead: "For seven years I was at your royal court, where every one to whom the enterprise was mentioned treated it as ridiculous, whereas now there is not a man, down to the very tailors, who does not beg to be allowed to become a discoverer! The lands which here own your highnesses' sway are more extensive and richer than those of any other Christian power. When by the divine will I had placed them under your royal and exalted dominion and was on the point of raising a very large revenue, while, too, I was feeling secure and joyful and was waiting for vessels to take me to your illustrious presence with good fortune and grand news of gold, I, with my two brothers, was arrested, confined on ship-board, fettered, despoiled even of clothing, and was shockingly treated, without trial or conviction. Who could believe the tale that

a poor stranger would in such a spot raise a causeless revolt against your highnesses, lacking support from any other prince, alone among your highnesses' natural subjects and vassals, all my sons being at your royal court? Thirty-eight years old was I when I entered your service, and now I have not a hair that is not gray, my body is infirm, and whatever I or my brothers had acquired was seized and sold, without hearing or examination, to my great dishonor—except one shirt! I am bound to think this was not done by your royal orders. The restitution of my honor and of my losses, with the punishment of those who caused them, will make the nobility of your character famous, while it is due to those who despoiled me of my pearls and disparaged my position as admiral. . . . I am, indeed, as badly ruined as I say. I have hitherto had pity upon others; may heaven now have mercy and the earth pity me! As for temporal matters, I have not a cent for the offertory; and as for spiritual things, I have here in the Indies neglected the prescribed forms. Alone in my misery, weak, daily awaiting death, surrounded by myriads of cruel and hostile savages, separated by such a distance from the sacraments of holy Church, in what state will my soul be if here it has to leave the body? Weep for me, who ever loves charity, truth, and justice."

Sad, indeed, is the picture of himself he so vividly paints, but, O just Heaven! Oh, righteous retribution! is surely what we must think of it all! He escaped; he beached his leaky sinking ships in Jamaica, where he, nearly starved, was all but cut off by roving Indians, was only saved by Diego Mendez' heroism in daring the passage from Jamaica to Espanola in a canoe, as related in Mendez' interesting will. So at length, late in 1504, he was enabled to reach Spain, but he found the queen dying, and she expired before the end of the year, while Columbus in 1506 followed her on his last voyage for the discovery of the unknown. He was buried where he died, at Valladolid, but in 1513 his remains were transferred to Seville, where they carved this inscription, short and mean in execution, but glorious in a way, too:

"A CASTILLA Y A LEON
NUEVO MONDO DIO COLON."

In 1536 his body and that of his son Diego were transported to Hispaniola, (San Domingo). Thence, on the cession of the island to the French, they were ordered to be carried to Havana, but doubt has been lately cast on the actuality of the transfer, which is said to have been prevented by the pious fraud of a priest, who thought the remains should be left where they were at rest, and we cannot yet feel sure where the discoverer reposes.

We have seen how Columbus dealt with the Indians. Alas! this initiative was fated to be enduring. Ovando, who succeeded Bobadilla, who succeeded Columbus, early declared war against the Indians of Higüey, the eastern section of Española. They behaved with some bravery, but their naked bodies and simple weapons were not a match for the well-armed Spaniard, and they took to the forest. Many who were captured had their hands cut off. On one occasion six or seven hundred prisoners were slain at once. So, too, with the Indians of the western peninsula, Xaragua. Having treacherously obtained possession of the persons of their queen and her chiefs, or caciques, she was hanged, the chiefs burned, and the province desolated. We read in Las Casas that on one occasion the Spaniards hanged thirteen Indians "in honor and reverence of Christ our Lord and his twelve apostles." While hanging, the bodies were used like carcasses of mutton for the Spaniards to try their swords upon. No wonder the Indians soon began to grow scarce in Española! However, the Bahamas were still full of them, and the king (1509) allowed the population to be transferred, being told it would be a good action to bring them to Hispaniola, where they might enjoy the preaching and political customs there in vogue; besides, they might assist in getting gold and thereby serve his majesty. In five years they carried across over forty thousand, telling them they were conveying them to the heaven of their ancestors. This caused some of the clergy ultimately to take the subject up. Las Casas, late in life, was revolted by the sights he saw, and began a crusade for mercy. Father Antonio, a Dominican, also went to Spain, sought and obtained an interview with the king. To illustrate the cruelties which had become common in the new-found lands, he told the king that a group of people tossed a little Indian baby into a river, just for a joke, and as the little thing rose once or twice, "Ha! stupid!" cried one, "you boil up, do you?" whereat they fell into convulsions of laughter. Well, laws were made to regulate these things. The Indians were to work at the mines five months, then to receive two months' holiday (*sic*) to till their own lands; then five months more at the mines. As they sometimes sought refuge in flight, the Spaniards trained dogs to follow them. Then they began a policy of suicide, whole families putting themselves to death, and villages inviting other villages to join in leaving an intolerable world. Some hanged themselves, others drank yucca juice. We read that one man, hearing that his allotted slaves were going to hang themselves, ordered them to bring a rope for him, too; whereupon, fearing they would not be rid of him in the future state, they agreed to remain as they were.

I do not intend to follow the Spaniard to Cuba, where similar atrocities

prevailed, or Vasco Nunez to the Isthmus and the Pacific; nor shall I take you with the truculent Pizarro to Peru, or with Cortez to Mexico. Everywhere we should meet the same brutal disregard for human life, the same insatiable lust for gold; indeed, an Indian having hinted to Nunez that there was a river where they fished for gold with nets, he and all Spain became mad with greed. Nunez has been thought merciful in his dealings with the aborigines, but I come across a passage in which he mentions quite incidentally that he has hanged thirty chiefs and should have to hang as many more as he should take. He was in the pleasant habit of torturing his prisoners to make them tell where the towns were which had most gold and provisions. He would then attack these places at night.

It is not astonishing that the Indians should have vanished from the islands, all but a few hundred Caribs who keep a foothold at St. Vincent, and are adroit at basket making and similar small industries; for the primitive races dwindle and disappear before the highly specialized Caucasian, wherever the latter can exist. The diseases from which we suffer but survive, to them are deadly. Small-pox, for instance, was horribly fatal to the islanders soon after the time to which I have brought down their melancholy story, while in Mexico it mowed a terrible swath from ocean to ocean, killing many hundred thousand in a few weeks. In the plan of being, an eternal contest is always being waged among plants, birds, beasts, *and men*. Needs be, said the greatest of teachers, that offences come, yet woe to him by whom they come; and we cannot but loathe the offender against the altruistic law of love and mercy which we are taught to regard as the highest and best development of character. In the realm of Canadian history I long ago pilloried Champlain, who, great in many respects, cannot be pardoned for being the first to fire upon and slay the Indian of the north in battle. And shall Columbus escape the blood-guiltiness of destroying a million and a half of his fellow men in Española, a million in Cuba, half a million in Jamaica, a hundred thousand in the Bahamas? Why need I speak of the millions of Mexico, the millions of Colombia and Central America, the millions of Peru? all these dreadful holocausts owe their origin to him and his thirst for wealth. Cruel and merciless, indeed, the Latin races have always been. The Romans drove their slaves to insurrection and servile war; they were always sacking cities, or despoiling them as Mummius and Verres did, harassing their neighbors, ruining provinces by fiscal exactions, slaughtering the levies of nation after nation, proscribing party leaders and adherents, setting to fight in their arenas man against beast, prisoners of one nation against prisoners of another. The Spaniard seems to have preserved with his

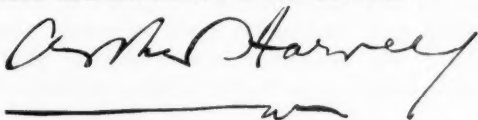
almost Roman speech more than this Roman cruelty, with an added ferocity of his own. Their armies in the middle ages were the terror of Europe, and the worst of the race seemed to have sailed under Columbus.

I firmly believe that, barring accidents, we all get in this world what we deserve. What seem to be misfortunes, hardships, injustices, will on close examination or introspection be found to be due to some weakness of character or judgment. To the great defects of Columbus' character it is probably due that there is but one inscription to his memory in Spain; but one public statue in Italy, erected at Genoa about twenty years ago; that the new world he discovered bears another's name; that he died prematurely old, his hair whitened, and that his direct posterity soon vanished from the earth. Lovely Hispaniola is a black spot on the map of civilization, retrograding towards barbarism. Even Spain was not helped by the systems of colonization and government introduced.

To the world at large the enterprise of Columbus was indeed momentous. Those who deride older navigators are ill-informed. For ages men had sailed the open seas—the Indian Ocean before the time of Christ; while in the west, Carthaginian, Greek, and Norseman had gone far out of sight of land, but the ocean routes had run on well established courses. The ancients and the men of the middle ages sailed from the Pillars of Hercules almost due north to Britain; sighting occasional head-lands perhaps not more anxiously than we do to-day. Thence the track ran almost due north too, by the west coasts of Ireland and Scotland to Iceland, whence it turned west to Greenland and the fishing grounds. This was the way Cabot went, and the Spanish ambassador in Britain says he saw his course pricked on the map as sailed from day to-day. So from these same Pillars the sailors struck out along well-known paths, by the capes of Africa to the Canaries, feeling their way to India, as in my opening pages I have tried to show. On these Canaries, Carl Blind says Columbus found a statue, pointing west—I have not seen the passage, but I suggest it was imaginative, like the Veragua dream. That, however, was the course he took, and gave a new impulse to the world.

It seemed even to me on first visiting the West Indies that new heavens and a new earth lay unfolded; a new sea also. The sun rises and sets with a golden hue like amber or topaz, not with the red tints of the rose. The nights are not more brilliant than our own, but new constellations, *Argo navis* with *Canopus* and the Southern Cross, are added to *Orion*, *Sirius*, *Arcturus* and the Bear. Not a plant or tree resembles those of our northern forests; not a bird, beast, insect or reptile is the same. The color of the sea, its winds, currents, fish, shells, are different. When

discovered the people were all strange, their industries and mode of living were of unexpected character. True there is an unsatisfying sameness, and one returns to our more beautiful northern latitudes with fresh delight in the varying seasons and the more changeful aspects of nature, to find the masses of color on our northern hill-sides more enchanting, the perfume of our fields more delicate, our breezes healthier, and our morning and evening dews not malarious. But the new ideas caused the arts of the painter and carver to take a new departure and blossom into a higher maturity. Science was invigorated in every branch, and, inventing new aids to every sense, began the revelation of the system on which the universe exists. Columbus might have more truly said than Canning that he brought a new world into existence to redress the balance of the old. In matters social, we, here, are inheritors of the enterprise of that age, and let us see to it that we do honor to our America, not only leaving it garlanded with the fruits of just and noble lives, but holding aloft to the utmost of our ability the lamps of literature and science. In matters of higher politics, we owe to the Columbian era the seeds of our present state, and looking beyond the quarrels of party and of rival colonies and nations we can appreciate the language of Conan Doyle, which he puts into the mouth of a seer of long ago, and which (like the noble apostrophe of Euripides to Athens, and that other patriotic utterance of Shakespeare, spoken through John of Gaunt, in which he calls his country "this precious stone, set in a silver sea") I cannot read without emotion. "What is this that is shown me? Whence come they, these peoples, these lordly nations, these mighty countries which rise up before me? I look beyond and others rise, and yet others, far and farther, to the shores of the uttermost waters. They crowd! They swarm! The world is given to them, and it resounds with the clang of their hammers and the ringing of their church bells. They call them many names, and they rule them this way or that, but they are all English, for I hear the voices of the people. On I go, and onwards over seas where man hath never yet sailed, and I see a great land under new stars and a stranger sky, and still the land is England. Where have her children not gone? What have they not done? Her banner is planted on ice. Her banner is scorched in the sun. She lies athwart the lands and her shadow is over the seas."



TORONTO, CANADA.

(Concluded.)

THE VIRGINIA OF THE REVOLUTIONARY PERIOD *

INFLUENCES WHICH CONSPIRED TO PRODUCE A REMARKABLE PEOPLE

It is with the highest appreciation of the honor conferred on me at your last meeting in electing me as your presiding officer for the year 1891, that I now enter upon one of the duties imposed upon me, and bespeak your attention for a short time while I read the annual address. And first, I heartily congratulate you on the flourishing condition of our association. Its constantly increasing membership, and the appreciation of its work both by the government and the public, prove incontestably the wisdom of the noble men who organized it, and the practical ability with which its affairs have been conducted. A great work lies before us, and we each should feel honored in being permitted to take part in its accomplishment,

But while we have abundant cause for thankfulness for the past, we cannot look back over the year just closing without a painful feeling of loss, in the death of some of our most distinguished and useful members. Within three weeks after the adjournment of our last annual meeting intelligence came of the death of our distinguished ex-president, the Hon. George Bancroft. His valuable life had been prolonged till it was entering on the last decade of a century in the first year of which he was born; and although exhausted nature had for some time been giving plain evidences of the approaching end, yet such was the loving regard in which he was held by his countrymen, that they were not prepared for his death, and the feeling was universal, that America had met with a grievous loss in the death of one of her greatest citizens.

* He was the great American historian, whose work will live, however excellent the coming historians of our country may be. To him we are indebted for the lifting up of American history from the subordinate place it had theretofore held, and fixing it in one of the highest niches in the temple of Clio. No one could have been better equipped for his great work. Learned, industrious, striving for accuracy, with ample means and opportunities for gathering materials, he was filled with that which gave soul to his work, an ardent attachment to American institutions. He succeeded in touching the public heart, and in popularizing our history to a degree seldom attained by historians of any age or

* Inaugural address of Hon. William Wirt Henry, LL.D., president of the American Historical Association, at its opening session in Washington, D. C., December 30, 1891.

country. Now that he is removed from us, his loving connection with our association will ever be remembered and regarded as one of our highest honors.

During the month of January the Hon. James Phelan also departed this life. He had not lived to old age, but he had made his mark by his most valuable history of Tennessee, which will entitle his name to an honorable place on the roll of American historians. We should bear in mind that it was his exertions on the floor of congress which obtained for us our charter.

During the fall our losses have been more numerous. Among them several names occur to me. The Hon. John H. B. Latrobe of Baltimore, who died in the eighty-eighth year of his age, after having distinguished himself in various walks of life, in all of which he displayed remarkable versatility and strength. Dr. George B. Loring of Massachusetts, whose commanding figure and genial face we shall miss from our meetings. He too had walked in various paths of life, and always with distinction; but perhaps his greatest work was in stimulating the agricultural interests of New England. Professor John Larkin Lincoln, for more than half a century a distinguished instructor in Brown University, whose memory will ever be green, not only in that institution, but in the breasts of all who were so fortunate as to be taught by him. Gordon L. Ford of Brooklyn, whose devotion to learning was not only shown in his own acquirements, but in the magnificent library he accumulated. Happily he trained and left to us two learned and accomplished sons, whose lives have been thus far devoted to historical work. Useful and distinguished lives have also been ended in the death of P. W. Sheafer, Esq., of Pottsville, Pennsylvania, author of a historical map of Pennsylvania; of Professor Charles W. Bennett of Garrett Biblical Institute, Evanston, Illinois, who obtained the Ranke library for Syracuse University; of Hon. Rufus King of Cincinnati, and of Thomas Akins, D.C.L., commissioner of the public records of Nova Scotia.

But I must hasten to the subject of this address. Every effect is the resultant of antecedent forces, and our study of any people will not be complete until we learn the various causes which have united to produce the condition of the people we study. Such a tracing of antecedents is history in its largest sense.

Taking the American colonies during the revolutionary period, nothing could be more interesting or instructive to an American, or indeed to any student of history, than a full account of the influences which conspired to produce the remarkable people who were then found in their borders.

Each colony had an individuality of its own, resulting from its development in a state of almost perfect isolation from the rest of the world. Each contained a large number of men of great capacity, of pure morals, and of unsurpassed patriotism. The continental congress of 1774 was a representative body which distinctly reflected the purity of character, the great intelligence, and the high state of Christian civilization to which the colonists had attained. That celebrated body of men were the admiration of Europe. The splendid tribute of Lord Chatham is familiar to every one, in which he declares as the result of his study of history, "that for solidity of reasoning, force of sagacity, and wisdom of conclusion under such a complication of difficult circumstances, no nation or body of men can stand in preference to the general congress at Philadelphia."

Not so familiar is the tribute of Lord Camden. Said he: "I would have given half my fortune to have been a member of that which I believe to be the most virtuous body of men which ever had, or ever will, meet together in this world."

It is true these were picked men, but the communities from which they were selected, and which selected them, must have been high in the scale of intelligence and purity to have had such men in their midst. It is true that men of great genius and force of character are from time to time met with in history, who seem to direct, if not give shape to, the destinies of their countries. But we must remember that these great characters, so gifted by nature, were themselves shaped by their environments, and to these we must look for an explanation of their work.

Following the ideas I have suggested, I propose in this paper to touch hurriedly upon the causes which conspired to produce the Virginia of the revolutionary period.

The English of the seventeenth century were the outcome of an evolution during three centuries of a people who were an amalgamation of three branches of the great Teutonic family with each other and with the aboriginal Britons. They were a people superior to any existing in the world. Developing in their sea-girt island without the disturbing influences of outside nations, they formed a distinctive people in their habits, customs, and civil institutions. In these last they had attained a degree of freedom not known to the rest of the world. The great rights of person and of property were enjoyed under a protection that was fundamental to their system of jurisprudence, and in the arts and sciences, in philosophy and literature they were in the front rank of Christendom. In religion they were Protestants, and had all the advantages of that great unshackling of the human mind which was accomplished by the reformation.

These were the people that colonized Virginia in the early part of the seventeenth century. They came to a fertile land, lying in a temperate climate between thirty-six and forty degrees northern latitude, and one which was peculiarly fitted for agricultural pursuits from the sea on the east to the mountains, the western border of their settlements. Every variety of vegetable production which is found in the temperate zones was raised in this area in profusion. And such as bore transportation to the mother country were easily shipped from convenient landings on the banks of the Chesapeake, or on the noble rivers which emptied into the great bay. Thus agriculture became the favorite pursuit. Speaking of the favored region of Virginia and the Carolinas, and the mountains which constitute its western border, Professor Shaler, in his late valuable work styled *Nature and Man in America*, says:

"This region of southern uplands has in its soil, its forests, and its mineral resources a combination of advantages perhaps greater than those of any other equal area in the world. In addition to these favorable conditions, the region possesses an admirable climate. In winter the temperature falls low enough to insure the preservation of bodily vigor; in summer the heat is less ardent than in the lower-lying regions of the New England and New York group of states. In the Virginia section we find a climate resembling in range of temperatures those which characterize the most favored regions of the old world; and it is there, perhaps, we may look for the preservation of our race's best characteristics."

After the English had planted Virginia, there was a small immigration of Germans and a larger one of French Huguenots, but they did not sensibly affect the characteristics of the colony, and soon became intermixed with the English. A much larger addition to the colony was the stream of Scotch-Irish from the North of Ireland, that poured into the valley between the Blue Ridge and Allegheny mountains during the first half of the eighteenth century, overflowing sometimes the mountain barriers. In the valley they retained their national characteristics in a remarkable degree. They were strict Presbyterians, and the church and schoolhouse were always found among the first structures they built. Tenacious of their rights in church and state, they were foremost in opposing tyranny in every form. Their constant warfare with the Indians made them a race of warriors, and they have added to the glory of Virginia in every war in which she has ever engaged. It has been said that the Virginians were an agricultural people; they were pre-eminently so; and the geography of the colony as well as the climate gave direction to their employment. Between the mountains and the sea many streams water the land afford-

ing fertile bottoms. The accessibility of deep water to nearly every part of the colony prevented the growth of large cities. In fact as late as the revolution Norfolk was the largest town in the colony, and it only contained six thousand inhabitants. The very wealth of Virginia in harbors contributed to her poverty in cities.

The profusion of productions afforded by the soil and climate stimulated the hospitality of the inhabitants, of whom generous living became a characteristic. But while soil and climate thus united to give ease to Virginia life, they rendered the colonists too well satisfied with what they enjoyed to engage in arduous or speculative enterprises in pursuit of wealth. They were content, with few exceptions, to work their lands and leave to others merchandise, mining and manufacturing.

Undoubtedly the production of the soil which had most influence on the development of Virginia character was tobacco. It is said that John Rolfe, the husband of Pocahontas, first cultivated it in a systematic and intelligent manner. Certain it is that from an early period of Virginia's history it was considered its most valuable product. It was easily transported across the Atlantic, and found a ready market in Europe. It became the money crop of the planters, and from it was derived the wealth which characterized them as a class. Its value was a strong preventive of the growth of towns, as the planters lived in great comfort, and often in elegance, on their plantations, and felt no desire to exchange plantation for city life. It was by the cultivation of this plant, too, requiring much labor, that slavery became fixed on the colony, an institution which was most potent in shaping the history of Virginia. The slaves were cheap labor in the cultivation of the soil, and were brought to the colony in such numbers that, with their natural increase, they became nearly half of the population in the eighteenth century. Their use in different kinds of manual labor induced the whites to hold themselves aloof from it; and as it came to pass that nearly every white man owned one or more slaves, the whites devoted themselves to superintending their own slaves, or those of the larger planters.

The custom of entailing estates kept up the large plantations, and their owners soon developed into representatives of the ancient barons of England. To a large degree they lived independent of the world around them, producing on their plantations whatever they needed. The following picture of William Cabell, of Union Hill, in Nelson county, from the accomplished pen of the late Hugh Blair Grigsby, is a fair representation of the class to which he belonged: "He was a planter in the large acceptation of the word, as it was understood rather in the interior than on the sea-

board, which included not only the cultivation of a staple, in its ordinary agricultural aspects, but the construction of the instruments, and the preparation and manufacture of articles, which the eastern planters of that day, like many of their successors, were content to find ready made to their hands. He fashioned his iron on his own stithy; he built his houses with his own workmen; he wove into cloth the wool from his own sheep, and cotton from his own patch; he made his shoes out of his own leather. He managed his various estates with that masterly skill with which a general superintends his army, or a statesman the interests of a community intrusted to his charge."

The institution of slavery had its evils, which may be traced in the history of the whites, and which have been much discussed and often exaggerated, into which, however, I do not propose here to enter. But as regards the African race there is little to lament, in comparison with the great benefits slavery conferred on it. From a state of barbarism it raised the race into a state of civilization, to which no other barbarous people have ever attained in so short a time. The late African slave is now rated by our government as superior to the American Indian, and to the natives of the Celestial empire of China, and is intrusted with the highest privileges of an American citizen. The effect upon the whites was in some respects ennobling, as it greatly stimulated the independence of character and love of freedom which characterize rulers, whether in kingdoms or on plantations. That profoundly philosophical statesman, Edmund Burke, in his speech on "Conciliation with America," delivered the 22d of March, 1775, remarked upon the spirit of liberty developed in the masters of slaves in these words:

"In Virginia and the Carolinas they have a vast multitude of slaves. When this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks amongst them like something that is more noble and liberal. I do not mean to commend the superior morality of this sentiment, which has at least as much pride as virtue in it, but I cannot alter the nature of man. The fact is, so, and those people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty than those northward. Such were all the ancient commonwealths; such our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves

who are not slaves themselves. In such a people the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible."

The institution of slavery had a marked effect on the women of Virginia. By it they were exempt from the menial duties of life, and in their country homes they devoted themselves to the management of their households and the cultivation of their minds and manners. By reason of this the name "Virginia matron" became a synonym of all that was refined in manners, and pure and lovely in character. It is a great mistake to suppose that the Virginia matron led an idle or useless life. While her duties were not menial, they were nevertheless ample to occupy her whole time. As a mistress on a plantation she had the care of much that only a woman can attend to. To feed, to clothe, to teach, to guide, to comfort, to nurse, to provide for and to watch over a great household, and keep its complex machinery in noiseless order—these were the duties which devolved on her and which she performed to the admiration of all who came in contact with Virginia life. The mild climate in which they lived developed in the Virginia women a beauty of person commensurate with their loveliness of character, and these two conspired to stimulate the chivalrous regard in which they were held by the men. This regard was indicated in the courteous bearing of the men toward them. The Virginian indeed was courteous to all, and his bearing in life came to be described in the two words "Virginia gentleman."

The English people who came to Virginia, with few exceptions, did not leave England because of oppression in church or state; they brought with them the literature, the manners and customs, and the civil and religious institutions of the mother country, to all of which they were profoundly attached. It was simply the planting of an English acorn in the rich Virginia soil of America, from which sprang an American-British oak, which under the genial sky of the new world was destined to outstrip its English original.

The form of government allowed by the early charters was potent in the development of Virginia character, and this form, with admirable flexibility, adapted itself to the individuality assumed by the colony in its progress. The executive was a governor appointed by the crown, or was his authorized deputy. He was advised by a council selected from the colony, and similarly appointed. They were considered as representatives of royal authority, and constituted a mimic court. Their style of living was in accordance with their high rank, and was more or less imitated by the rich men of the colony according to their proximity to

the capital. Their influence was great, as they dispensed the patronage of the colony. In addition to their executive functions, the governor and council sat as a court, and for years was the only court in the colony. After the institution of county courts, which was at an early date, the governor and council retained much original jurisdiction, and became also a court of appeals. This important body also acted as a branch of the assembly and thus took the place of the house of lords in the colonial system. Its members were the representatives of the aristocracy of the colony.

As a legislative body it was merged into an assembly in 1619, when a house of burgesses was summoned composed of members chosen by the people. This, the first representative body which ever sat in America, had a controlling influence in the development of Virginia character. The elective franchise, which was for years exercised by all adult males, gave, as nothing else could, a dignity to citizenship. Each man felt himself a part of the state in the fullest sense, and became interested in knowing and directing its affairs. The house of burgesses was the Cerberus that guarded with ever-watchful eye the political rights of the colonists. Thus as early as 1624 we find it declaring that "the governor shall not lay any taxes or ympositions upon the colony, their lands or commodities, otherway than by authority of the general assembly, to be levied and ymployed as the said assembly shall appoynt."

This claim of the representatives of the people to the sole right to lay taxes, the great principle which is the corner-stone of British freedom, was never abandoned by the Virginians. The acts of assembly were subject to the royal supervision, and were sometimes disallowed. But enough were approved to allow the development of the colony, according to the law of evolution to which it was subjected. This separate assembly for the colony of necessity led to the straining, and final snapping, of the cords which bound it to England and impeded its progress toward a great state. Men who became accustomed to a distinct legislative body, their own immediate representatives, ceased to regard a parliament sitting beyond the ocean, in which they were not represented, as authorized to legislate for them; and with this right claimed by parliament the question of separation became a mere question of time.

The county organization of the colony was based upon, and followed closely, the shire system of England. It was a microcosm of the state. The county lieutenant, its chief officer, was vested with executive power, and had command of the militia. He was selected from the upper class, known as "gentlemen." The county court exercised judicial functions,

and was composed of justices of the peace, who were selected from the men of highest character and intelligence in the county, and held office for life. It was a self-perpetuating body, vacancies being filled by appointment of the governor upon the recommendation of the court. No pay was attached to the office of justice, except the possibility that the incumbent might become the sheriff of the county for a limited time, which last office was filled from the bench of justices in the order of their commissions. The office of justice thus being a highly honorable one, and filled by the best men in the county, the influence of the incumbents was very great. These resided in different parts of the county, and thus each neighborhood was supplied with an officer. They were the advisers of the people, the composers of their difficulties, as well as the judges in their petty litigations in the single justice's court. Naturally they came to be regarded with the greatest respect, and to be looked up to as examples of purity and intelligence, to be imitated by their fellow-citizens. Thus their influence was most elevating in its tendency. To this class Virginia was chiefly indebted for the high character of her people. Indeed most of the Virginians who were distinguished in the revolutionary period were, or had been, justices of the peace.

While the shrievalty was in their hands defaults in the amounts of the revenue collected were almost unknown. The courts in which they sat had their jurisdiction enlarged from time to time, till it became very extensive; they also laid the county levy, and passed on the claims to be paid out of it. These courts, unlike their English originals, were held at the several county seats, and during most of their history were monthly. The monthly county courts were important factors in Virginia life. At them there was always a large gathering from different parts of the county, and much business was transacted, while county-men, living at a distance from each other, met and formed acquaintances and entered into business relations. Candidates for offices, elective by the people, attended, and they were required to set forth their claims in public speeches, and to debate with their opponents. This contributed to the cultivation of public speaking, and by these public debates the ordinary citizen was instructed in the questions of the day. In these tribunals the lawyers of Virginia were trained, and this training equipped for the higher walks of professional life the great lawyers and judges that Virginia furnished before, during, and after the revolution—such men as Edmund Pendleton, Peter Lyons, St. George Tucker, Spencer Roane and John Marshall.

When in the convention of 1829 it was sought to change the system, there was a united protest from a number of the ablest men in the body.

The accomplished P. P. Barbour, who afterward sat on the supreme court of the United States, said: "After a twenty-five years acquaintance with the county courts of Virginia, it is my conscientious opinion that there is not, and never has been, a tribunal under the sun where more substantial practical justice is administered. . . . The idea was suggested to me fifteen years ago by one of the most distinguished men we had among us; who declared it to me as his belief, that the county courts of Virginia exerted an important political influence on her population; the monthly meeting of neighbors and of professional men caused the people to mingle and associate more than they otherwise would do, and produced a discussion of topics of public interest in regard to the administration of government, and the politics of the community. These meetings, perpetually recurring in all the counties of the state, constitute so many points from which political information was thus diffused among the people, and their interest increased in public affairs."

The distinguished lawyer and statesman Benjamin Watkins Leigh followed Mr. Barbour, and said: "The eulogium pronounced by the learned gentleman from Orange is perfectly just, in declaring that these tribunals are not merely good but the best on earth." He further declared that only two charges of corruption had been brought against Virginia's justices during the existence of the office for two hundred years. Chief Justice John Marshall joined in the praises of this venerable body of public servants, and added: "I am not in the habit of bestowing extravagant eulogies upon my countrymen. I would rather hear them pronounced by others; but it is a truth, that no state in the Union has hitherto enjoyed more complete internal quiet than this commonwealth, and I believe most firmly that this state of things is mainly to be ascribed to the practical operation of our county courts. The magistrates who compose those courts consist in general of the best men in their respective counties; they act in the spirit of peace-makers, and allay rather than excite the small disputes and differences which will sometimes arise among neighbors. It is certainly much owing to this that so much harmony prevails amongst us. These courts must be preserved."

It was not till 1852 that the system was changed, and justices were made elective by the people and were paid for their services. Since then the Virginia justice has depreciated, and the office has ceased to be held in honor, and now the justices no longer hold the county court.

In front of the court, when in session, sat the clerk, always an accomplished officer. He held his office by appointment by the court and during good behavior. The interests of the community at large were closely con-

nected with the responsibilities of his office. He was the keeper of the records of the court and of the muniments of title to the lands in the county. His fellow county-men sought him for information on many subjects, and he became the legal adviser of the ordinary citizen. The office was often retained in families for generations, and the incumbents were, as a class, as admirable as any country ever possessed. Besides these officers there were sheriffs, coroners, constables and surveyors, of whom I need but make mention.

The colony was laid off into parishes, in order to accommodate the affairs of the Established church. These were managed through vestries, which laid levies for the purchase of glebes, the building and repairing of churches, and the support of the ministers and of the poor. The members of the vestries were also men selected from the best class in the community by the parishes, and were generally prominent members of the church. This county organization was a practical training of the people in local self-government, and this principle, so important in our form of government, was one to which the Virginians have been ever ardently attached.

In a new country with a sparse population the advantages of education were of necessity very limited. The children were taught by their parents, or not at all. But as the country filled up and the people became prosperous they became more anxious to educate their children, and schools were multiplied. The historian Beverley, in describing the state of the colony in 1720, says: "There are large tracts of land, houses, and other things granted to form schools, for the education of children in many parts of the country; and some of these are so large that of themselves they are a handsome maintenance to a master, but the additional allowance which gentlemen give with their sons, renders them a comfortable subsistence. These schools have been founded by legacies of well inclined gentlemen, and the management of them hath commonly been left to the discretion of the county court, or to the vestry of the respective parishes. In all other places, when such endowments have not been already made, the people join and build schools for their children, where they learn upon easy terms."

These last, being often situated in worn-out fields, acquired the name of "old field schools." They furnished the education of the average Virginian male and female in colonial days. That education which has been facetiously styled learning the three R's, reading, writing, and arithmetic, was very general. This is proved by the ancient records preserved in some of the counties. These show that of those who came for marriage

licenses the number who could not write their names was small. As early as 1660 the assembly moved for a college in which the higher branches of education were to be taught. But the scheme only took practical shape when in 1692 the English sovereigns William and Mary endowed the college, which has ever since borne their names. The influence of this institution for good upon the colony and state of Virginia has been incalculable. When its halls were opened the necessity of sending Virginia youths to England to acquire the higher education no longer existed, and most of the leaders of thought in the colony thereafter had the advantage of early training in the capital of the colony. This intensified the peculiar characteristics of Virginia society. The college trained and gave to the world during the revolutionary period a host of statesmen whose names are indelibly impressed on the page of American history. Had it numbered among its alumni only Thomas Jefferson and John Marshall, it would have laid America under lasting obligations. But besides these towering figures we recognize on her roll Benjamin Harrison, Carter Braxton, Thomas Nelson, and George Wythe, all signers of the declaration of independence, Peyton Randolph, president of the first continental congress, James Monroe, president of the United States, and a host of others, whose names are interwoven in the history of their country.

Nor must it be forgotten that by charging the college with the examination and commission of land surveyors, it was made a part of governmental machinery; and that in giving his first commission to George Washington, it was instrumental in training the father of his country for the great part he bore in the affairs of America.

I have thus hurriedly indicated some of the elements which united in the making of Virginia. Upon the nobility of her people at the revolutionary period, and their great services in the memorable struggle which secured free institutions to America and to the world, I need not dwell, as these are known to all. There is one thing however that may be mentioned, for which the continent cannot be too grateful to her. It is her efficient service in forming and securing the federal Union. Indeed the Virginia leaders of the revolutionary period were most conspicuous for their broad and national views. These extended not only to a national union but to the cultivation of a distinctive American character. Of these leaders none showed more interest in this subject than Washington. In concluding this paper I would call the attention of the association and of the country to one of his earnest recommendations having this end in view. It is the establishment of a grand national university at the federal capital. His views upon this important subject will be best shown

by the following extract from his will, by which he dedicated to this object fifty shares in the Potomac Company, put at his disposal by the state of Virginia. Said he:

"It has always been a source of serious regret with me to see the youth of these United States sent to foreign countries for the purposes of education, often before their minds were formed or they had imbibed any adequate ideas of the happiness of their own, contracting too frequently not only habits of dissipation and extravagance, but principles unfriendly to republican government and to the true and genuine liberties of mankind, which thereafter are rarely overcome. For these reasons it has been my ardent wish to see a plan devised on a liberal scale which would have a tendency to spread systematic ideas through all parts of this rising empire, thereby to do away local attachments and state prejudices as far as the nature of things would, or indeed ought to admit, from our national councils. Looking anxiously forward to the accomplishment of so desirable an object as this is, in my estimation, my mind has not been able to contemplate any plan more likely to effect the measure than the establishment of a university in a central part of the United States, to which youths of fortune and talents from all parts thereof might be sent for the completion of their education in all branches of polite literature, in the arts and sciences, in acquiring knowledge in the principles of politics and good government; and as a matter of infinite importance in my judgment, by associating with each other and forming friendships in juvenile years, be enabled to free themselves in a proper degree from those local prejudices and habitual jealousies which have just been mentioned, and which carried to excess, are never failing sources of disquietude to the public mind, and pregnant with mischievous consequences to this country."

The establishment of such an university he urged in his speech to Congress on December 7th, 1796, at the same time that he advised the establishment of a national military school. Had his well-matured views been then acted upon in establishing such a liberal national school, the result might have been a check to that passionate sectionalism which made inevitable the great civil strife of 1861-65. But it is not now too late to act upon the dying request of the father of his country. Indeed the lapse of a century seems to bring with it the fullness of time for the realization of Washington's great conception. The subject has been ably discussed by our accomplished secretary, Dr. Herbert B. Adams, in his most valuable monograph upon William and Mary College, issued in 1887 by the Bureau of Education, who traces Washington's proposal to his connection with that college. Among other most important results which might be accom-

plished by such an institution, he points out the education of youth from all parts of the Union in the special branches required to be learned for the proper conduct of our civil service, and he most justly remarks that, "there is in these times as great need of special knowledge in civil service as in military or naval science. A civil academy for the training of representative American youth, would be as great boon to the American people as the military and naval academies have already proved."

Such a national university need not excite the jealousy of our many admirable institutions of higher learning, but should be made the capstone of the American educational system. It is a hopeful sign of the interest which is awakening on this subject to find that among the committees of the United States Senate one is appointed to consider the subject of a national university. Let us hope that the day is not far distant when an additional memorial will be erected to Washington, the most suitable of all, in the establishment of a grand national school of universal learning, into which not only American youth may proudly enter, but to which will be attracted the youth of other lands eagerly seeking to imbibe American ideas with which to infuse new life into the older governments of the world.

William Wirt Henry.

RICHMOND, VIRGINIA.

TRIBUTE TO THE MEMORY OF THEODORE PARKER

UNVEILING THE MONUMENT AT FLORENCE, ITALY

It will be remembered that Theodore Parker, the great American philanthropist, orator and divine, who died in Florence, Italy, in 1860, was buried in the old historical Protestant cemetery of that city. Owing to the ravages of time, the stone erected over his grave became defaced, and it has recently been replaced by a white marble monument embellished with a medallion portrait of Parker and an inscription in letters of red bronze, the voluntary work of the celebrated American sculptor, Wm. W. Story, of Rome. On the twenty-sixth of November, 1891, this memorial stone was unveiled and dedicated in the presence of a large number of Americans. It was indeed fitting that Theodore Parker, a descendant of the Puritans, and a radical latter-day development of their Protestantism, should have had his praises thus sung on their Thanksgiving Day, and that his friends and admirers should have assembled for the purpose at the Tuscan capital where he died. The monument, hidden under the folds of a large American flag, was unveiled by Miss Grace Ellery Channing—granddaughter of the famous Unitarian divine, Dr. Channing, a contemporary and friend of Theodore Parker. The medallion was much admired, as was the grave itself covered with flowers, and planted with Boston ivy taken from the walls of the late James Freeman Clarke's church.

As the ceremony was entirely unsectarian in its character religious services were omitted. The assemblage embraced several clergymen of various denominations, Episcopal, Baptist, Methodist, and Presbyterian, and many of the American states from Massachusetts to Virginia were represented among the tourists and Florentine residents present. There were among these two or three travelers from Lexington, Massachusetts, the birthplace of Theodore Parker, whose grandfather, Captain Parker, commanded the farmers in that celebrated revolutionary battle—the captain who said to his men, "Don't fire unless fired upon; but if the English really mean war, let it begin here."

The presiding officer at the ceremonies of the unveiling was the United States consul at Florence who read a sympathetic letter from the Italian statesman and scholar, Professor Pasquale Villari—now minister of public instruction in the king's cabinet at Rome, in which he expressed his sin-

cere regret that public business prevented his personal attendance at the meeting, and his highest admiration for the life-work of Theodore Parker.

The orator of the day, Hon. Charles K. Tuckerman, formerly United States minister to Greece, was then introduced and said :

" Fellow-countrymen and friends. Thirty years have elapsed since an assemblage of mourners stood on the spot where we now stand to witness the interment of a New England clergyman, who, driven to this milder climate by the ravages of disease, died under the sunny skies of Florence—the city of flowers. Although a stranger in a strange land, the elements of nature combined as it were to cast the influences of beauty and of peacefulness over his departing soul ; a reflection so pleasing in itself that it must have served as a balm to the wounded hearts of those in his own far-distant city who were deprived of the satisfaction of paying in person their last tribute to his memory.

We, his fellow-countrymen, now in Florence, assemble to-day around the grave of Theodore Parker, not to eulogize his character, which needs no eulogium, but with the simple tribute of our presence to dedicate this new memorial stone that those who may wander into this sacred enclosure may look upon his features, sculptured in enduring marble—a work of love from the skillful artist—and happily recall the virtues and heroism of a man who did so much to elevate the tone of morality in the community in which he lived, and to enforce the principle of human freedom where it was trampled under foot. It is to be regretted that some one who knew Theodore Parker in his day and generation, some one who was personally intimate with his private life, and who is better qualified than I am to speak of him, is not standing in the place I occupy. An ordinary man may well shrink from the task, however brief and simple, when he recalls the fact that the address delivered in his native city on the occasion of Parker's death was pronounced by one of the most intellectual men that America has produced, Ralph Waldo Emerson. Let me quote a single sentence from that address as appropriate to this occasion, and which so beautifully and so completely describes the influence of Theodore Parker that it seems almost presumptuous in me to add another word. ' His genius,' said Emerson, ' is only *transferred*, and the nature of the world, the inspirations of youth, the stars in their courses, must affirm the truths he so valiantly spoke.'

Theodore Parker rose by his own inherent strength to the commanding position he occupied as a fervent preacher, a social benefactor and a political reformer. Without titles or worldly honors, without the claims of wealth or of inherited distinction, a simple clergyman of a simple

faith, he achieved what rank or position cannot by itself achieve—the triumph of a generous heart, a noble mind and a sublime faith in the accomplishment of the task he had set himself to perform. There were thousands who sympathized with the cause he especially espoused—freedom for the slave—but it was left for him and a small band of enthusiastic workers in the field to perform what others only professed. Many disagreed with him in his method; preferring moderation to energy, and persuasion to dogmatism—and I, for one, confess that I held to the latter opinion—but Parker felt that the only way to erase from the escutcheon of the republic a foul and degrading blot was to adopt that style of oratory which Daniel Webster described as ‘something greater and higher than all eloquence—action; noble, sublime, god-like action.’ He felt that he was not appealing to a congregation of worshipers, nor to a state, nor to a country, but to a universal public. His audience was the world, embracing every shade of condition and opinion, to reach which vehemence and assertion were the implements to be employed. Believing that the principle of freedom is universal in its application, he would stoop neither to conciliation nor to compromise; but with the courage of a soldier in the battle for humanity, he struck out with the full force of his nature, without fear and without favor.

‘Every great principle that he affirmed amid persecution,’ says Moncure D. Conway, ‘has prevailed. The slave for whom he pleaded is free; the oppressions of woman which he pointed out are removed; and the free and tolerant religion which he proclaimed is now that of the leading preachers of nearly all the churches in America.’ It is this daring spirit, this unbending resolution, this overconquering will that has surrounded the name of Theodore Parker with a halo, and ranked him among the illustrious men of his country.” (Here Mr. Tuckerman read a sketch of Theodore Parker’s life contributed by Moncure D. Conway.) In conclusion the orator said: “Friends, it is fitting that the body of such a man should repose in such a spot as this, and in the company of other illustrious foreigners of the same race as himself. Here Walter Savage Landor, one of the loftiest exponents of the English tongue, and Elizabeth Barrett Browning, one of the noblest singers of freedom and the claims of humanity, sleep under the sunlight and the starlight of a land which, like his own, rejoices in the blessings of liberty and union acquired by the heroic efforts of its people.

This visit of ours to his grave, this memorial stone, these brief and imperfect words, are but evidences that the lapse of years has not impaired the respect his countrymen owe to the memory of a truly good

and a truly great man. But above and beyond these simple tributes extend the moral influences of his life and teachings, which neither monument nor epitaph nor spoken words can exemplify or enhance.

'He sleeps unconscious in his dust ;
But unto those, the human throng
To whom his faith and works belong,
He leaves his life in perfect trust.' "

The oration was followed by a poem to the memory of Theodore Parker, written for the occasion by William W. Story :

His was a life inspired by noble thought
And dauntless courage. Firm with purpose high
For freedom, justice, truth, humanity,
Throughout his life he strenuously fought.
He practiced what with fervid power he taught,
And " Love, believe, act, fear not," was his cry.
God to the brave and just is ever nigh,
And heaven must by the high, strait way be sought.

Conquered by fell disease, life's battle done,
With all its pains, strife, cares, death's victory won,
All that was mortal here is laid to rest ;
But his undying thoughts, words, acts, live on
To lift the fallen, cheer and aid the oppressed—
And to his memory here we raise this stone.

We can, alas ! but throw a worthless wreath
Upon his grave, and heave a useless sigh !
But still, though gone, his spirit hovers nigh
To strengthen us in hope and thought and faith.
All that he said, was, did, is ours, till death
Unfold the hoped-for future and lift high
The veil that shrouds man's life in mystery,
And all this world is vanished like a breath.

Let us have faith that, though no longer here,
He still is going on beyond this life,
Beyond its ignorant struggles, doubts and strife,
In some far region, in some higher sphere,
With loftier duties and with loftier life,
Where all that here is dark at last is clear.

SLAVERY IN THE TERRITORIES

HISTORICALLY CONSIDERED *

PART I.

In every conflict of opposing and enduring forces in the sphere of politics, we must distinguish between the forces themselves and the point of their impact. Yet it is only as we take the forces at the point where they impinge that we can ascertain either their nature or their momentum, either the modes of their composition or the resultant direction in which they are tending at any given moment. The discovery of the New World brought into the sphere of European politics a vast complex of international forces which found their first collisions in the conquest, partition and settlement of the North and South American continents, that is, in the seizure and occupation of waste and derelict lands in the domain of savagery, to be exploited under a higher civilization as new sources of economical advantage, as new fields of religious propagandism, and as new seats of political aggrandizement.

The independence of the United States, followed as it soon was by the independence of the Spanish-American states, put the free play of these European forces in circumscription and confine, so far as they had previously moved in schemes of colonization or in projects of the Holy Alliance proposing to make these continents an appendix to the European equilibrium. "The Monroe doctrine," under the first of its heads, was a notice served on European states by the government of the United States that "the North and South American continents, by the free and independent condition which they had assumed and maintained [in the year 1823] were henceforth not to be considered as subjects for future colonization by any European power." From that day to this no European power has planted any new colony on any part of the American continents. "The Monroe doctrine" under the second of its heads declared it "impossible that the allied powers should extend their political system

* This paper is in part the fruit of studies which began more than thirty years ago, when, on the brink of our civil war, the writer was called, as one of the editors of the *National Intelligencer*, to review in that journal the successive phases of "the Territorial Controversy." The point of view is of course entirely changed, for what was then discussed as a lesson in politics is here discussed as a lesson in history, with the difference of perspective that is implied in the well-known saying of Freeman.

to any portion of either continent without endangering our peace and happiness." From that day to this the independent states of North and South America have been free to work out their own destiny apart from the dynastic schemes of Europe.

With the declaration of independence by the United States there arose, however, a new order of economical and political forces, and these new forces could but generate a new order of problems when they came to find new points of impact in the unoccupied territory comprised within the bounds of the federal Union. The most difficult of all these problems, and therefore the point at which the conflict of opposing forces has always been hottest, must still be sought by the historian in questions relating to the occupation and government of land considered as the seat and symbol of economical precedence or political supremacy. Everybody knows that the first great dissidence among the states of the American Union—a dissidence which parted states during the revolutionary period as the distinction between Whig and Tory parted individuals—was that which arose concerning the ownership and political disposition of the so-called "back lands." How this question delayed the ratification of the articles of confederation until the revolutionary war was approaching its end is matter of familiar history.

But it is not so generally known, I think, that this same question interposed an almost insuperable barrier to the conclusion of peace with England in 1783, and well nigh lighted up the flames of a civil war between the "landed" and the "landless" states at the moment of their free and independent autonomy. This same unsettled problem so perplexed the deliberations of the federal convention of 1787 that it was the one question which the patriots and sages of that body could neither solve nor abate. Hence it was that, as I have shown in a paper previously read before the American Historical Association, they agreed to confess and avoid the then existing antithesis between the "landed" and the "landless" states by leaving it behind them in the limbo of indefinite abeyance. It was because of an irreconcilable feud between these two classes of states that the adherents of each in the convention could agree on no form of words that should ascertain the relative rights of each class and of the United States in the matter of the new states that were to be erected on what was then the unoccupied territory formerly known as "the crown lands."

On the 18th of August, 1787, and on motion of Mr. Madison, the committee of detail on the digest of the constitution was instructed to consider the expediency of adding to the prerogatives of the federal legisla-

ture an express grant of power to institute temporary governments for new states arising on the lands not yet occupied. A discussion of the clause providing for the admission of new states into the Union brought the pending discord between the two classes of states to a violent rupture. Those members who believed that the United States had established a rightful claim to the "back lands" previously vested in the crown, but now wrested from the crown by the joint efforts of all the states, were vehement in demanding an express recognition of this claim in the terms of the constitution, and when they could not extort such a concession from members representing states which had not yet ceded their unoccupied land, they were compelled to satisfy themselves with a simple plea that the constitution should at least be silent on the subject.

Even Daniel Carroll, of Maryland, representing a state strenuous above all others in asserting the claims of the Union to a proprietary and political interest in the "back lands," was brought to such a state of despondency by the conflict of opinion on this whole subject that, instead of pressing his motion that "nothing in the constitution should be construed to affect the claims of the United States to vacant lands ceded to them by the treaty of peace," he was fain to withdraw that motion, and to propose that nothing in the constitution should be so construed as to alter under this head "the claims of the United States *or of the individual states*, but that all such claims should be examined into, and decided upon by the supreme court of the United States."

It was immediately on the heel of this "irrepressible conflict of opposing and enduring forces" in the matter of new states to be carved out of public lands, that Gouverneur Morris moved to transfer the whole conflict from the question of admitting new states to the question of governing the territory considered as property of the United States. He proposed that the convention should agree to disagree as to the application of the territorial clause to so much of the public lands as was still in dispute between two classes of states and the United States. Hence the origin of the territorial clause as it stands to-day in the constitution: "The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States, *and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state.*" That is, this grant of power was made absolute for the purposes of congressional legislation respecting the territory, and was left as colorless, indefinite and nugatory as possible in respect of its application to any conflicting claims which should be put forward by either the United States

or any of the particular states at variance on this subject. And this was avowedly done in order to blink and leave *in statu quo* a feud which could not be adjusted, and in order to remit to the federal judiciary the settlement of a question which the framers of the constitution felt themselves unable to solve. We thus see that the same territorial quarrels which had dragged their slow length along through the revolutionary period were the hissing serpents which came to the cradle of our infant Hercules before he was yet wrapped in the swaddling bands of the constitution, and he had not strength to throttle them. We see, too, that before our present government had been framed, the expedient of referring to the supreme court any Gordian knot which the politicians found themselves unable to untie, was accepted by our fathers as the salutary makeshift of an incompetent statesmanship.

It is because the "territorial clause," in respect of its application to disputed territory covered by it, represented a drawn battle between two classes of states that it paved the way for any number of drawn battles between any other two classes of states which should subsequently find themselves at variance as regards the public territory. *Hoc fonte derivata clades.* The congress of the United States, after passing through an Odyssey of wanderings and an Iliad of woes in this same matter of the public territory and its government, was compelled in the year 1854 to face the same deadlock with which the framers of the constitution had been confronted in 1787, and for the same reason—the presence of two opposing and equipollent forces pulling in opposite directions. We shall see, too, that the politicians of the later period were equally doomed to seek a rescue from the Caudine Forks of an insolvable political dilemma by invoking the succor of the supreme court to determine for them the meaning of their own statute when, in the case of the Kansas and Nebraska bill, a disputed question had arisen under it, not only between two classes of states in the bosom of the republic, but between two factions in the bosom of the same political party.

In the discussion before us it is proposed to deal with the government of the public territory only so far as that government has been affected by the presence of divergent views concerning slavery in our federal councils. The subject of slavery appears for the first time in this relation under cover of a bill submitted by Mr. Jefferson in the continental congress on the 1st of March, 1784, for the temporary government of the western territory, "ceded or to be ceded by individual states to the United States." This bill provided for the prohibition of slavery, after the year 1800, in the ten states proposed to be carved out of the territory in question. This

first attempt to secure the restriction of slavery fell through because New Jersey had only one delegate present in congress at that date, and therefore her vote could not be counted to make the requisite majority of all the states in favor of the measure. The states which voted in the negative were Maryland, Virginia, North Carolina, and South Carolina. Georgia was unrepresented. The bill was passed without the anti-slavery restriction on the 23d of April, 1784.

On the 16th of March, 1785, Rufus King of Massachusetts moved for the immediate prohibition of slavery in all the states "described in the resolve of congress of April 23, 1784," and the motion was committed for discussion by the vote of eight states—Virginia, North Carolina and South Carolina voting in the negative, the vote of Georgia not being counted, because she had but one delegate present, and Delaware not being represented at all at that moment. The territorial question was thus brought before congress for renewed debate, and this debate resulted at length in the passage of the famous "ordinance of 1787" on the 13th of July in that year. That ordinance provided for the prohibition of slavery in the states to be formed in the northwestern territory, but provided at the same time for the rendition of fugitive slaves escaping from their owners to any part of said territory.

We do not know at the present day all the procuring causes of the bargain that was made between the delegates of the trading and of the planting states who (with the exception of Peter W. Yates of New York) gave their unanimous assent to this great measure—the matrix and norm of all our earlier legislation concerning the territories. But we do know, on the testimony of William Grayson of Virginia, that the southern delegates had "political reasons" as well as economical reasons in voting as they did at that juncture. It is obvious enough that the eastern states voted for the ordinance from economical motives combined with their moral and political repugnance to the spread of slavery. *Their* gain was immediate and patent. The southern states, on their part, gained new guards for the stability of slavery in the states where it already existed, by the stipulation for the recovery of their runaway slaves; they gained a reduction, from ten to five, in the number of "free states" that were to be carved out of the territory in the northwest; and they established a precedent which could be pleaded, and which three years later *was* pleaded, for the parallel and lateral extension of slave-holding states toward the west on the territory afterward ceded.

The ordinance of 1787, two days after its passage, was communicated by Richard Henry Lee to General Washington, then presiding over the

federal convention. It was published at length in a Philadelphia newspaper, and was formally cited in the debates of the convention. It doubtless furnished the germ from which the fugitive slave clause was planted in the constitution. The ordinance of 1787 had converted the slave into a *villein regardant* as respects the Northwest territory. The constitution now proposed to make him a *villein regardant* as respects the territory comprised in the union of the states. In virtue of these two provisions General Charles Cotesworth Pinckney could say in the South Carolina convention of 1788 that the slave-holding states had thereby "obtained a right to recover their slaves in whatever part of America they may take refuge, which was a right they had not before." (*Elliot's Debates*, vol. iv. p. 286.)

It was held alike by James Madison and Alexander Hamilton that the ordinance of 1787 had been passed without the least color of authority under the articles of confederation. But the sixth article of the constitution provided that "all engagements entered into before the adoption of the constitution should be as valid against the United States under this constitution as under the confederation." This clause was held to have brought the engagements of the ordinance of 1787 under the sanctions of the new charter. The first congress which met under the constitution passed an act to adapt certain provisions of the ordinance to the constitution; and the state of Virginia on the 30th of December, 1788, and therefore after the ratification of the constitution, assented to the fifth article of the ordinance—being the only one of the articles which required the assent of that particular state.

In the debates had on the constitution while it was pending before the conventions of the several states, I do not find that "the territorial clause" was expressly cited by more than a single individual, James Wilson of Pennsylvania, and his reference to it, in its relation to slavery, was perhaps more optimistic than critical. He expressed the opinion that the new states which were to be formed out of the territory ceded or to be ceded "would be under the control of congress in this particular, and slaves will never be introduced amongst them." (*Elliot's Debates*, vol. iv. p. 452.)

Less than a month after the passage of the ordinance of 1787 the legislature of South Carolina ceded to the United States all her "right, title, and claim, as well of soil as jurisdiction," to the territory lying between her western boundary and the Mississippi river. This cession was made on the 9th of August, 1787, in full view of the legislation of the continental congress prohibiting slavery in the northwest. Yet no reser-

vation was made by South Carolina in favor of the right of her citizens to migrate to the ceded territory with their slave property.

But when North Carolina came in the year 1790 to make the cession of *her* "back lands," which bordered more or less closely on the Northwest territory, she was careful to premise that the territory so ceded should be laid out and formed into a state or states, and that the inhabitants of such state or states "should enjoy all the privileges, benefits, and advantages set forth in the ordinance of the late [continental] congress for the government of the western territory of the United States, *provided always* that no regulations made or to be made by congress should tend to emancipate slaves." Congress accepted the deed of cession with the condition annexed, and organized the "territory south of the Ohio" in the same year. This territory was admitted into the Union as the state of Tennessee on the 1st of June, 1796. In the interim no "regulation" was made by congress respecting slavery.

It is plain that the stipulation made by North Carolina that no "regulations" should be made by congress "tending to emancipate slaves" in her ceded territory, had been inspired by the terms of the constitution empowering congress to "dispose of and make all needful rules and *regulations* respecting the territory belonging to the United States." As showing the continuity of public thought in this matter, it may be interesting to state that the language of the constitution under this head was doubtless inspired by the terms of the resolution under which the continental congress, on the 10th of October, 1780, had requested the states to cede their vacant lands to the United States. In that resolution it had been promised that the said lands should be settled "at such times and under such *regulations* as shall hereafter be agreed on by the United States in congress assembled." The power of congress to prescribe "regulations" for the territory was therefore rooted not only in the text of the constitution but in the past territorial policy of the government under the confederation. And for this reason it was that North Carolina insisted in her deed of cession that congress should make no "regulations tending to emancipate slaves." Congress in accepting the cession with the condition annexed by this particular state had trammelled its plenary power over the territory in question. To this extent the idea of a partition of the public territory between the planting and the trading states had begun to imbed itself in our polity and politics.

This idea was soon reinforced by the formal and deliberate initiative of congress itself. In the year 1798 congress solicited from Georgia "any proposals for the relinquishment or cession of the whole or any part" of

her unsettled territory, with a proviso that any such ceded district should be erected into a temporary government under the name of the "Mississippi Territory," and with a further proviso that this temporary government should be "in all respects similar to that existing in the territory northwest of the river Ohio, *excepting and excluding* the last article made for the government thereof by the late [continental] congress on the 13th day of July, 1787," that is, excepting and excluding the article which prohibited slavery. This is the first case in the history of the country under the present constitution in which congress was left perfectly free to regulate slavery in a territory according to its own will and pleasure. It had inherited the "regulations" of the Northwest territory under this head from the continental congress. Its hands had been tied as to this subject by North Carolina's deed of cession. But as regards the territory craved from Georgia congress volunteered of its own mere motion to make an exception in favor of slavery. The issue was distinctly brought to public notice while the Georgia cession bill was under consideration in the house of representatives.

Mr. George Thacher of Massachusetts moved to strike out the clause which saved and excepted slavery from the inhibition prescribed by the ordinance of 1787. An animated debate ensued. On the part of "the South" it was argued, to cite the exact words of Robert Goodloe Harper of South Carolina, that "in the northwestern territory the regulation forbidding slavery was a very proper one, as the people inhabiting that part of the country were from parts where slavery did not prevail, and they had of course no slaves amongst them; but in the Mississippi territory it would be very improper to make such a regulation, as that species of property already exists, and persons emigrating there would carry with them property of this kind. To agree to such a proposition would, therefore, be a decree of banishment to all the persons settled there, and of exclusion to all those intending to go there. He believed it could not therefore be carried into effect, as it struck at the habits and customs of the people." On the part of "the North" it was held by Albert Gallatin of Pennsylvania that the prohibition of slavery in the Mississippi territory could not produce "a worse effect than the same regulation in the northwestern territory;" that the jurisdiction of the United States was as complete in the one case as in the other; that to legalize slavery under the temporary government of a territory would be to fasten it on the same country "for all the time it is a state;" and that, it having been "determined that slavery was bad policy for the northwestern territory, he saw no reason for a contrary determination with

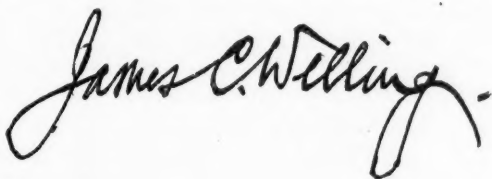
respect to this territory." The sectional antithesis on this subject being thus distinctly presented, the house of representatives rejected the amendment of Mr. Thacher by an almost unanimous vote—only twelve members voting in its favor. The legislature of Georgia formally closed with the bargain offered by congress, and on the 24th of April, 1802, passed an act of cession which expressly stipulated that the sixth article of the ordinance of 1787, so far as it prohibited slavery, "should *not* extend to the territory contained in the present act of cession." The idea of a partition of public territory between the slave-holding and the non-slaveholding states had now obtained a formal recognition.

Yet the congress of that day, in the very act of making this concession to the spread of slavery in the southwest, was careful to accentuate its discretionary power to regulate slavery in the territories. It was ordained in the very bill which organized the territorial government of Mississippi that "no slave should be imported or brought into it from any port or place *outside of the United States*." To understand the purport of this "regulation" we must remember that while congress at that date, and until the year 1808, could not, in legislating for the states, prohibit the slave trade, it did not rest under any such disability in legislating for the territories. That is, the national legislature, in the plenitude of its power over slavery in the Mississippi territory, conceded to the citizen of any slave-holding state a right to migrate into that territory with his slave property, but *not* the right to import slaves from abroad, and this, too, although that right enured to him so long as he retained his domicile in a state which still tolerated the slave trade. The slave-holding citizens, therefore, of states which still tolerated the slave trade were shorn of a measure of their "state rights" by the mere act of migrating into the Mississippi territory, where they came under the exclusive jurisdiction of congress. The plenary and discretionary power of congress over slavery in the territories was emphasized alike by what it permitted and what it prohibited in the premises.

So prevalent at this date, and for many years later, was the popular impression as to the power of congress to regulate slavery in the territories, that we find individual citizens and organized communities in the Northwest territory petitioning congress to rescind or at least to suspend in their favor so much of the ordinance of 1787 as placed an interdict on slavery. Not to cite all these instances, it may suffice to say that on the 25th of April, 1796, four settlers of the "Illinois country," speaking in behalf of the inhabitants of St. Clair and Randolph counties in the Northwest territory, presented a memorial to congress representing that

they were possessed of a number of slaves, "the right of property in which the sixth article of the ordinance of 1787 seemed to deny without reason, and without their [the owners'] consent. Accordingly, they prayed for the repeal of that restriction, and for the passage of an act affirming their right to hold slaves "under such *regulations* as may be thought necessary." Contemplating nothing more than a provisional toleration of slavery, they further asked congress to declare "how far or for what period of time masters of servants [slaves] are to be entitled [in the Northwest territory] to the services of the children of parents born during such servitude, as an indemnity for the expense of bringing them up in their infancy." The committee of the house of representatives to whom the memorial was referred made a report adverse to the petition on the 12th of May, 1796, and the matter was dropped.

At a subsequent day a similar petition, proceeding from a convention of the inhabitants of Indiana territory, held at Vincennes, William Henry Harrison, the governor of the territory, presiding, was submitted to congress. The committee of the house of representatives to whom the memorial was referred reported adversely to the petition on the 2d of March, 1803, John Randolph of Roanoke being the author of the report. The committee deemed it "highly dangerous and inexpedient to impair a provision wisely calculated to promote the happiness and prosperity of the northwestern country, and to give strength and security to that extensive frontier." The committee based their decision entirely on considerations of prudence and expediency, not at all on any question as to the power of congress over the subject. The whole matter was again dropped. (*House Journal*, vol. iv. p. 381, second session seventh congress.)



COLUMBIAN UNIVERSITY, WASHINGTON, D. C.

(To be continued)

PEN PORTRAITS OF STONEWALL JACKSON.

Mrs. Jackson, in the *Life and Letters* of her distinguished husband, quotes a description of her subject by a southern lady at the time he was professor in the Virginia Military Institute at Lexington, 1851-1861. "There was a peculiarity about him which at once attracted your attention. Dignified and rather stiff, as military men are apt to be, he was frank and unassuming as possible, and was perfectly natural and unaffected. He always sat bolt upright in his chair, never lounged, never crossed his legs, or made an unnecessary movement. The expression of his soft gray eyes was gentle yet commanding, giving you a delightful feeling of the sweetness, purity, and strength of his character. His dress (in times of peace at least) was always in good taste and faultlessly neat. Everything he wore was of the best material. 'A thorough gentleman' was not exactly the expression to describe the impression first made upon you: it was something more—a title of greater distinction than this must describe him—'a modern knight of King Arthur's Round Table' would have more properly conveyed the indelible picture he fixed upon your mind. Nothing unworthy, nothing ignoble, nothing of modern frivolity and littleness—any thoughtful observer could have seen, even before the war, that 'Stonewall' Jackson was as true a hero as Bayard, or Raleigh, or Sidney."

Mrs. Jackson also quotes from the Rev. Dr. Dabney, who was on General Jackson's staff and a member of his military family: "His person was tall, erect and muscular, with the large hands and feet characteristic of all his race. His bearing was peculiarly English, and therefore in the somewhat free society of America was regarded as constrained. Every movement was quick and decisive; his articulation was rapid, but distinct and emphatic, and accompanied by that laconic and perspicuous phrase to which it was so well adapted, it often made the impression of curtness. He practiced a military exactness in all the courtesies of good society. Different opinions existed as to his comeliness, because it varied so much with the condition of his health and animal spirits. His brow was fair and expansive; his eyes were blue-gray, large, and expressive, reposing usually in placid calm, but able none the less to flash the lightning. His nose was Roman, and well chiseled, his cheeks ruddy and sunburnt; his mouth firm and full of meaning, and his chin covered with a beard of comely

brown. The remarkable characteristic of his face was the contrast between its sterner and its gentler moods. As he accosted a friend, or dispensed the hospitalities of his own house, his serious constrained look gave place to a smile so sweet, so sunny in its graciousness that he was another man. And if anything caused him to burst into a hearty laugh, the effect was a complete metamorphosis. Then his eyes danced and his countenance rippled with a glee and abandon literally infantile. This smile was indescribable to one who never saw it. Had there been a painter with genius subtle enough to fix upon his canvas, side by side, the spirit of a countenance with which he caught the sudden jest of a child romping on his knees, and with which, in the crisis of battle, he gave the sharp command, 'sweep the field with the bayonet!' he would have accomplished a miracle of art, which the spectator could scarcely credit as true to nature.

In walking his step was long and rapid, and at once suggested the idea of the dismounted horseman. It has been said that he was an awkward rider, but incorrectly. A sufficient evidence of this is that he was never thrown. It is true that on the march, when involved in thought, he was heedless of the grace of his posture; but in action, as he rode with bare head along his column, acknowledging the shouts which rent the skies, no figure could be nobler than his. His judgment of horses was excellent, and it was very rarely that he was not well mounted."

A lady who was a relative describes him upon his first entrance into Lexington society as "of a tall, very erect figure, with a military precision about him which made him appear stiff, but he was one of the most polite and courteous of men. He had a handsome animated face, flashing blue-gray eyes, and the most mobile of mouths. He was voted eccentric in our little professional circle, because he did not walk in the same conventional grooves as other men: it was only when we came to know him with the intimacy of hourly converse that we found that much that passed under the name of eccentricity was the result of the deepest underlying principle, and compelled a respect which we dared not withhold. After he became an inmate of our household, we were not long in discovering that the more rigidly and narrowly his springs of action were scrutinized, the higher rose our respect and reverence. What may have provoked a smile when the motive or principle that lay behind the act was entirely misapprehended came to be regarded with a certain admiring wonder when the motive of the act was made clear. We sometimes used to charge him with losing sight of the perspective of things. Not drawing the distinction that men generally do between small and great, he laid as

much stress upon truth in the most insignificant words or actions of his daily life as in the most solemn and important. He weighed his lightest utterances in 'the balances of the sanctuary.' When it would be playfully represented to him that this needless precision interfered with the graces of conversation, and tended to give angularity and stiffness to his style, his reply would be that he was perfectly aware of the inelegance it involved, but he chose to sacrifice all minor charms to the paramount one of absolute truth."

"A friend once asked him," writes Mrs. Jackson, "what was his understanding of the Bible command to be 'instant in prayer' and to 'pray without ceasing.' 'I can give you,' he said, 'my idea of it by illustration, if you will allow it, and will not think I am setting myself up as a model for others. I have so fixed the habit in my own mind that I never raise a glass of water to my lips without lifting my heart to God in thanks and prayer for the water of life. Then, when we take our meals, there is the grace. Whenever I drop a letter in the post-office, I send a petition along with it for God's blessing upon its mission and the person to whom it is sent. When I break the seal of a letter just received, I stop to ask God to prepare me for its contents, and make it a messenger of good. When I go to my class-room and await the arrangement of the cadets in their places, that is my time to intercede with God for them. And so in every act of the day I have made the practice habitual.'

In the autumn of 1855 he organized his Sabbath-school for the instruction of the colored people of Lexington. His interest in the race was simply because they had souls to save; and he continued to instruct them with great faithfulness and success up to the breaking out of the war. He never traveled on Sunday, never took his mail from the post-office, *nor permitted a letter of his own to travel on that day*, always before posting it calculating the time it required to reach its destination; and even business letters of the utmost importance were never sent off the very last of the week, but were kept over until Monday morning, unless it was a case where distance required a longer time than a week."

—*Life and Letters of General Stonewall Jackson.*

GENERAL FRANCIS MARION'S GRAVE

In a brief paper in the *Magazine of American History* in December, 1888, the present writer called attention to the neglected condition of the grave of General Francis Marion of the Revolutionary army. This grave is at "Belle Isle," St. Stephen's parish, Berkeley county, S. C., and was then, as it is now, in a most shameful state of decay, the slab which formerly marked it having been shattered in 1885 by a falling tree. At the time of that publication a wealthy lady of New York city, who claimed collateral descent from the famous "Swamp Fox," declared her intention of having the tomb repaired; but after considerable newspaper talk about it the matter was dropped, and nothing has been heard of it since. In view of this state of affairs it will be a welcome piece of intelligence to many to know that at the session of the South Carolina legislature, lately adjourned, a bill was passed providing for the restoration of the tomb at a cost of \$300. It is presumed that no time will be lost in placing a suitable memorial over the grave of so distinguished a patriot and soldier. It might also be of interest to some to know that the tomb of Mrs. Marion, whose ashes rest beside those of her husband, was overthrown by the same accident that destroyed that of General Marion. No provision has been made for its restoration, although it is probable that some steps tending to this end will be taken in a short time by some South Carolinian who values the memory of the great soldier's wife.

It is hoped that the next move will be to find the grave of General William Moultrie, which has been utterly lost through procrastination in marking it. General Moultrie died in 1805, and was buried at "Windsor," St. James, Goosecreek, Berkeley county. No steps were taken to place even a stone over the grave until 1852, when a party of gentlemen from Charleston visited "Windsor" for that purpose; but after so great a lapse of time it could not be identified, and to this day no one knows where the dust of the hero of Fort Sullivan reposes.

The same legislature that determined to care for the tomb of Marion, also put itself on honorable record by passing a bill for the publication of all the records of the province and colony, which are now preserved in dust-covered tomes in the state office in London. The early history of South Carolina can never be fully or satisfactorily prepared until those precious documents are made available, and this is what the appropriation made by

the legislature will do. It is estimated that there are sufficient numbers of these papers in London to fill about twenty large octavo volumes, and the entire work can be done in a manner creditable to the state for less than \$10,000. South Carolina began this work thirty years ago, when the State Historical Society published a volume giving the full titles of all these papers in the state office, and four or five years ago the city of Charleston presented the society with \$1,000 for the purpose of having the "Shaftesbury Papers" transcribed and published. This collection has been in the hands of the editors for some time, but will now be turned over to the board, which has been appointed to edit the entire set of the records. At the session of the legislature referred to a bill was introduced by Mr. John F. Ficken of Charleston providing for an appropriation, and it became a law, giving \$4,000 for this most commendable work. It is proposed to make annual appropriations until the work is fully completed, and if the "Economists" do not have the upper hand in the next legislature, South Carolina will be able to present to her sister states and to the historical societies of America one of the handsomest and most valuable historical publications ever made in the United States. The services of a gentleman in London who has long been connected with the state office have been engaged, and many of the most valuable documents will be in this country in a few months. Many of these papers relate more or less directly to the other colonies, and will furnish much hitherto unknown material for the preparation of the early history of our country.

Shirley Carter Houghson.

CHARLESTON, S. C., *January, 1892.*

MINOR TOPICS

WHY STUDY GENEALOGY?

Because this study furnishes one way of honoring "thy father and thy mother;" it broadens one's horizon; it links us to our kinsmen of the present and of the past; it awakens and deepens an interest in history. It brings out family characteristics that may reappear, points out special talents that may well be cultivated, and family failings that must be guarded against. It sometimes settles questions of inheritance. It ministers to that honorable pride that all ought to feel in the grand accomplishments of one's ancestors. It is an incentive and an encouragement to the performance of similar deeds. The great historic events of the ages are personal matters to us, if some one of the same name took part in them. How delightful to find that one has kinsmen over all the land! How charming the correspondences that sometimes the ties of family bring about! When one comes of a long line of honorable ancestors, with what superb and "beautiful disdain" can he answer the implied challenge of "upstart wealth's averted eye"!

As one's interest in genealogy increases; as one goes from one's immediate family to other families connected by marriage, the interest grows so real and so great that the brotherhood of man and the fatherhood of God, the two cardinal doctrines of Christianity, become instinct with life and beauty.

FREDERIC ALLISON TUPPER

SHELBURNE FALLS, MASSACHUSETTS.

THE HISTORICAL AMERICAN EXHIBITION AT MADRID.

[*Editor Magazine of American History*: I send you herewith a clipping from the *Nation* of December 24, a notice I prepared of the forthcoming Historical American Exhibition at Madrid. It has occurred to me that you might be disposed to use a part or the whole of it in your magazine, and I place it at your service. B. F.]

One of the most interesting and instructive celebrations proposed for the year 1892 is the Spanish celebration, the chief feature of which will be an exhibition at Madrid, termed the Historical American Exhibition, the special object of which is to illustrate primitive American life and the history of the period of discovery and conquest. In selecting the prehistoric and early historic eras for illustration, the Spaniards will make their own exhibition complete in itself, without in the least competing with the Chicago Exhibition.

The plan of the exhibition is, within its limits, a very broad one, comprising five general divisions, viz. : Prehistoric America, the Historic Period, Indian Industrial Arts, Cartography, Nautical Instruments, etc., and the Fine Arts and kindred subjects. Under the head of prehistoric America plans, models, reproductions, drawings, etc., are solicited of ancient caves and caverns, and anything that may help to show the use of these primitive places as human dwellings. Similar models, drawings, or photographs are desired of American menhirs, dolmens, and mounds, as well as lacustrine dwellings. All sorts of implements and objects relating to this period are desired, such as stone weapons, articles of bone and horn, pottery, ornaments, utensils of bone, wood, stone, and other materials, with fossil or animal bones throwing light on the archæology of this time. Examples of all the ages and periods of primitive life as they can be traced on the American continent are wanted.

In the historic period the objects desired include models of ancient American buildings, architectural remains, plans, models, and drawings of restored monuments. Examples of sculpture, bas-reliefs, architectural paintings, and other forms of painted decoration form another class. Under industrial art is included clothing and adornment of the aborigines and uncivilized Indians, with implements of war, offensive and defensive. Jewels of gold, silver, bone and ivory, pottery, household utensils, and articles used in transportation by water and land, constitute another division of this branch, while written documents in native tongues, pictures and photographs of Indians and effigies showing native costumes, models of Indian dwellings and Indian crania, form a third division.

The department of cartography includes maps, plans, charts, and drawings, and all that concerns ancient cartography, with models of vessels anterior to the voyage of Columbus, as well as those he himself used. A section is devoted to nautical instruments, with the idea of illustrating the instruments, charts and maps in use at the period of discovery, while objects in personal use by Columbus and pictures of the same are also desired. The fine-arts department includes ancient architectural monuments, sculpture, paintings, industrial and artistic work following the discovery, American coins, literary and scientific publications, manuscripts, charts, and plans of all kinds from the discovery to the middle of the eighteenth century.

Most liberal inducements are offered to intending exhibitors from America. The exhibition will be held in the new Library and National Museum building in the park at Madrid, which will be used for the first time for this purpose, the exhibition serving as a sort of inauguration of the structure, which has been a number of years in building. It will be opened on September 12, 1892, and will close on December 31st of the same year, thus preceding the Chicago exhibition, which it is designed, in a measure, to supplement. All objects, if securely and properly packed, will be forwarded gratis to Madrid, and returned to the exhibitor free of all expense, the exhibition not only bearing the cost of transportation, but also,

when desired, attending to the arrangement and display of the objects without any charge. Those who desire special cases of their own may provide them, and special buildings may also be erected in the park if the design is approved by the General Committee. All objects for the exhibition will be admitted duty free into Spain if they are withdrawn at the close of the exhibition, but two months will be allowed after the end of the exhibition before articles need be returned.

An international jury, proportionate to the number of the exhibitors from different countries and the importance of their exhibits, will examine the articles displayed and award the prizes. These will consist of a first prize of honor, a gold medal, a silver medal, a bronze medal, and honorable mention, each medal being accompanied with a diploma.

The exhibition covers, of course, the entire American continent, but to insure its complete success the active co-operation and assistance of citizens of the United States is especially desired. There is every reason why Americans should both be interested in this exhibition and take part in it. The conditions are liberal, the prizes ample, and the time is especially convenient to intending exhibitors at the Chicago exhibition, as objects may be exhibited both at Madrid and at Chicago. Nor is the novelty of the exhibition its least merit. Early American history has always been a favorite topic of study among European scholars, but it is safe to say that if this exhibition is carried out as it is planned, it will offer Europeans the first opportunity they have had to study primitive American life in its completeness. American collections are very rich in the materials most desired at Madrid, and it is most sincerely to be hoped that the gracious invitation of the Spanish people to participate in their Columbian celebration will meet with a generous and hearty support from American scholars and collectors.

BARR FERREE

NEW YORK, *January 1, 1892.*

NOTES

THE STORY OF A CONEY ISLAND WHALE—We hear that on Tuesday last, Mr. Abner Hatfield, of Elizabeth-Town, and another Man, being out a fishing discovered a Whale swimming about near Coney Island, on which soon after it ran ashore, and before it could get off, they came up, and killed it with a rusty sword, which happened to be on board the vessel. We are told that Mr. Coffler, at the ferry opposite to this city, on Long Island, has bought it for £30, and that it is now brought up to that place. It is said to be 45 feet in length, and that if cut up, it would produce about 70 barrels of Oyl.—*New York Gazette, Thursday, Sept. 4, 1766.*

To the Printer. Sir, If you please you may in your next rectify a few mistakes in the Account about the Whale, published in your paper of Thursday last, viz.: I. It was Mr. Holman of Elizabeth-Town, five other Men and two Boys, that discovered and killed the Whale, Mr. Hatfield was not one of the number. II. It happend, not on Tuesday but Monday last. III. The length was not 45 but 49 feet. IV. It could not reasonably be supposed that it would produce 70 Barrels of Oyl, nor more than twenty. V. It was not sold for £30, nor more than £20 or £25. VI. It was not bought by Capt. Koffler, but by Mr. Waldron at the Ferry.—*Supp. to N. Y. Gazette, Sept. 6, 1766.*

The above items are interesting as proof of the honesty and simplicity of the colonial editor. There was a whale and the editor printed a correction.

PETERSFIELD

THE HISTORICAL OUTLOOK—"Historical interest and study are on the increase throughout the country and there is a great awakening among all societies," says Secretary D. W. Manchester, of the Western Reserve Historical Society, Cleveland, Ohio, in his recent annual report. "We must keep in step and touch with this awakening spirit and movement. Almost daily, letters are received from localities near or remote for historic information on various topics. Professional men, lawyers, physicians, divines, newspaper men, come here and partake of our garnered stores. Educators high in position in this and other states seek our rooms and consult our library. It is only recently that a letter came to us from far-away New Zealand making important inquiries." President C. C. Baldwin in his annual address before the same society says: "America is a fertile field for history in its many commonwealths, its recent life, and the short time from savagery to a high civilization. From past experience comes all science. Its aggregate is all civilization—learning its lessons is progress. It is the office of the Historical Society to carry from age to age, and to keep for each age such material as may be wanted, and such societies should be, and will be if rightly supported and appreciated, a practical and most valuable school of education. The hard problems of municipal government must be worked out with the careful use of history by each municipality; for if each is to be governed only by its present experience it is but too plain there will

be an expensive series of ignominious mistakes. Never has there been such promise of interesting narratives, of entertaining knowledge of past times, and of practical wisdom for the present and the future as now."

THE LATE HON. ROSWELL B. MASON OF CHICAGO—In an appreciative sketch of one of Chicago's representative citizens who has recently passed away, one who achieved distinction in everything to which he turned his hand, and was noted for his intellectual strength, integrity, dignity and personal charms, we quote the following item of exceptional interest:

"Hon. Roswell B. Mason was elected mayor of Chicago in November, 1869. He entered upon his duties in December and showed the same traits of character, determination, integrity, and dignity that always characterized him. Two months before his term expired the disastrous conflagration of October 8, 9, and 10, 1871, overswept the city. The night following the fire, which had been stopped in its ravages southward by the mayor assuming the responsibility for blowing up the private buildings in its path, dispatches from all over Christendom announced the beginning of that world-wide charity that proved the brotherhood of man.

Immediately upon the announcement of the forwarding of money and supplies for the relief of the afflicted populace a small and influential body of the city council set about to obtain control of the application of the funds and goods. The mayor believed that this clique

meant to use the property for its own enrichment. The night following he was waited upon in his residence on Michigan avenue by a small committee of men prominent in business and affairs, headed by Messrs. George M. Pullman and Wirt Dexter. But a few moments were needed to determine the proper course to adopt for the relief of the needy and the frustration of the greedy. In spite of the clamors of the baffled and mercenary politicians, the mayor remained steadfast, and saved the city from lasting disgrace by using the machinery of the Relief and Aid Society for preventing distress."

PIONEER POETRY—Song-writing was an art much striven after by the American verse-makers of fifty or sixty years ago, particularly in the West. The song-book, patriotic, sentimental, and comic, is always in demand, even in the rudest society, and it was not slow to migrate with the pioneer. The wilderness swarmed with migratory poets; they came in flocks like the birds. "Pioneer poetry," writes Dr. Venable, "often went on stilts, and borrowed stilts at that. The style was either painfully labored and pedantic or ludicrously exclamatory and rhapsodical. Bards of classical ambition frequently sent 'odes' to the backwoods newspapers, and sometimes furnished stanzas in Latin. They wrote under such pseudonyms as 'Juvénis,' 'Favonius,' 'Momus,' and 'Umbra.' Much of the verse measured out on the Ohio side of the Ohio was like the speech of Chaucer's clerk, 'sounding in moral virtue.'"

QUERIES

SURNAMES—*Editor of Magazine of American History*: Please ask some of your readers to inform me when the Irish people were compelled by England to adopt surnames, and for what reason?

R. B. GLADSTONE

THE LAST EXECUTION FOR WITCHCRAFT—At what date was the last execution for witchcraft in the United States? Please favor me with a reply.

HERMAN A. WISE

SAN FRANCISCO, CALIFORNIA.

PROVERBS OF THE TALMUD—Kindly tell me what are the "Proverbs of the Talmud"? HARTMANN

NATIONAL TUNE OF ENGLAND—Kingsley says in his *Westward Ho* that the national tune of England in the time of Elizabeth was the music of the ballad of *Fortune my Foe*. Can any of your readers help me to find the words of the ballad, the author, and the music to which it was sung? CHICAGO

REPLIES

GOTHAM [xxvii, 70]—The name Gotham was first used in connection with New York in 1807. In his quaint little work *Salmagundi* Irving says: "A most insidious and pestilent dance called the waltz . . . was a potent auxiliary; for by it were the heads of the simple Gothamites most seriously turned."

E. W. WRIGHT

VICKSBURG, MISS.

GOTHAM [xxvii, 70]—As given in the dictionary, the word comes from Goth, one of an ancient tribe of barbarians, who overran the Roman empire, and means a rude, ignorant person. Gotham-ist, a wiseacre; a person deficient in wisdom—so called from Gotham in Nottinghamshire, noted for some pleasant blunders.—*Bishop Morton*. Gothamite, an inhabitant of New York City.—*Washington Irving*.

LAWRENCE GOODE

ST. LOUIS, MO.

OLDEST TOMBSTONE IN NEW YORK [xxvi, 396, 447]—Your correspondent has recently revisited the old cemetery of Sylvester Manor on Shelter Island, and finds that he may be mistaken in regard to the age of the tombstones standing over the graves of exiled Quakers, whose remains were buried there. The epitaphs are quite legible, having been carefully and conscientiously recut by order of Professor E. N. Horsford, the owner of the property. Only one, however (out of eight or ten), remains in doubt. This is a gray rounded headstone of coarse granite (much dilapidated), having the name "Knowling" and the figure "1" still legible. This is thought to be much the oldest, and antiquarians date it back as far as 1660 or thereabouts.

These stones are rounded at the top, and (except the Knowling one) have carved cherubs' heads with outspread wings still visible on the upper part of

the headstones. The dates are 1714, 1727, 1729, and 1731, with the latest 1732. The family names are but three: Hutson or Hudson, Brown and Knowling. The age of the deceased is in one instance eighty-one years, and in another seventy-seven years. There is no doubt among the best authorities that these persons were originally refugees from New England, and Friends or Quakers in their religious belief.

CHAS. H. GARDINER

ST. MARY'S RECTORY, SHELTER ISLAND.

CHURCH OF ENGLAND CEREMONIES [xxvii, 70]—Blunt, in his *Key to the Prayer Book*, says: "During the great rebellion the Puritans gained the object which they had been pursuing for three generations." The Anglican church had been opposed for a number of years with unflagging zeal, and finally the use of the liturgy was made a crime.

An "Ordinance" was passed January 3, 1645, which forbade its use in any church; and on the eve of St. Bartholomew, another which forbade its use in private, and required all copies to be given up. There were nevertheless some loyal children and ministers of the church who continued to use it in spite of this Ordinance. Macaulay, in his *History of England*, says: "It was a crime in a child to read by the bedside of a sick parent one of those beautiful collects which had soothed the griefs of forty generations of Christians."

This "ordinance" was passed by parliament, and the prayer-book was superseded by what was called *The Directory for the Public Worship of God in the Three Kingdoms*. As the Puritans

in the *Mayflower* (see query) came over in 1620, no doubt they had ceased to use the "forms and ceremonies of the Church of England" before the passage of the "ordinance," but just when, during the long contest of three generations, it would obviously be quite impossible to state.

GEORGE G. HEPBURN

CHURCHILL'S POEMS [xxvii, 70]—The popularity of Churchill induced James Rivington to issue proposals for an American edition of his works, soon after the death of the poet; the publication was delayed by the financial straits of the bookseller, who had been declared a bankrupt in 1767. The completion of the edition was announced by Rivington in the *New York Gazette*, and the *Weekly Mercury* of November 21, 1768, as follows: "He has this Day published, The celebrated Charles Churchill's Works, in two large Octavo Volumes. Containing The Roseiad. Night. The Prophecy of Famine. His Epistle to Hogarth, which broke the Heart of this Son of Apelles. The Ghost. Independence. The Apology. The Conference. The Duellist. The Candidate. Gotham. The Farewell. The Times.

In the Course of these Writings the Author has given his Opinion most freely upon the Conduct and Characters of the principal Personages who have been employed by Government, &c., during the latter End of the late, and the four first Years of the present Reign; presenting a Genius more truly Original than all the Muses since the Days of John Dryden, and securing the Existence of his har-

monious Numbers in the public Favour, until Poets can sing no more.

The Publisher has not been so punctual in producing this, genuine, Son of Apollo, agreeable to the Proposals, for his Promise expired eighteen Months ago (June, 1767); yet, as the Cause of the Delay must be obvious to all his patrons, and the public Favour never is denied to a Person who eagerly seeks it, he hopes that none of his Two and Twenty Hundred Subscribers will be offended, tho' it may have proved to them a Disappointment."

The list of subscribers is an extraordinary one; it covers fifty-six pages at the end of the second volume and contains 1,944 names who engaged 2,080 sets of the poems. The distribution of the volumes is also very remarkable: Maryland received 1,058, of which Annapolis had 175 and Baltimore 89; New York, 185, of which 156 were subscribed in the city, 20 at Albany, 5 on Long Island, 3 at Johnstown and 1 at Niagara; Virginia had 210, George Washington, Esq., of Alexandria, was one of the subscribers; Pennsylvania had 1 at Lancaster and 66 at Philadelphia; Connecticut had 26; New Jersey, 13; Rhode Island, 16; Charleston, S. C., 54; North Carolina,

1; Newcastle, Delaware, 14; Pensacola, Florida, 36; Massachusetts had 50—they were subscribed for by John Mein, bookseller at Boston, who announced in the *Boston Chronicle* of January 19, 1769, that they were ready for delivery to subscribers; 1 copy went to Casco Bay and 3 to Quebec; of the West Indies, Barbadoes had 66, Dominica, 36; Antigua, 22; St. Eustatia, 12; Montserrat, 9; St. Vincent's, 5; Jamaica, 4; the Gouverneur family of Curacoa, 3; Tortola, St. Croix, Grenada and Tobago, 1 each; 18 copies were sold to the Bermudas.

The large sale in Maryland is explained by the fact that Rivington organized a lottery in 1766 for the sale of three hundred and fifty acres of land in Kent county. The scheme provided for eight thousand tickets at fifteen shillings each; the prizes included the land, plated ware, goods of various kinds, and a library of books.

I have not met with a copy of the original proposals. A correspondent in *Notes and Queries* for October, 1875, asked substantially the same question as "Boston Collector," but received no response to his query.

WILLIAM KELBY

NEW YORK HISTORICAL SOCIETY LIBRARY.

SOCIETIES

NEW YORK HISTORICAL SOCIETY—The annual meeting was held on Tuesday evening, January 5. The reports of the treasurer, librarian and executive committee were read. The society has no debts, no mortgage on its building or collections. A site for its new building has been purchased on Eighth avenue (Central park, west), between 76th and 77th streets, facing the Central park on the east and Manhattan square on the north, comprising ten city lots with a front of four hundred and four feet and depth on the side streets of one hundred and twenty-five feet. The plot of ground cost \$286,500. The committee reported that the sum of \$1,000,000 is required to erect and furnish a suitable detached fireproof building. During the year 4,144 volumes of books, 3,620 pamphlets, 24 volumes and 1,579 numbers of rare newspapers, 3 volumes and 15 separate manuscripts, 36 maps, 46 engravings and 127 rare broadsides have been added to the library. The invested funds aggregated \$78,645.

The following board of officers were elected for the ensuing year : president, John A. King ; first vice-president, John A. Weekes ; second vice-president, John S. Kennedy ; foreign corresponding secretary, John Bigelow ; domestic corresponding secretary, Edward F. de Lancey ; recording secretary, Andrew Warner ; treasurer, Robert Schell ; librarian, Charles Isham.

THE AMERICAN HISTORICAL ASSOCIATION held its eighth annual meeting in Washington, opening on the 29th and

continuing until the 31st of December, 1891. There were two morning sessions at the National Museum, and three evening sessions at the Columbian University. Washington is the permanent home of this association, but the next meeting will be in Chicago at the time of the World's Fair, in 1893. This outing will, of course, be very exceptional. The capital of the United States, the congresses of all nations, and the centre of the universe itself, will in that year be temporarily shifted to the shore of Lake Michigan.

In view of coming events, which cast their Columbian shadows before, the historical paper which eclipsed all others in popular interest at the Washington meeting and in the Associated Press reports that flashed over the whole country, was President Charles Kendall Adams's account of "Recent Discoveries concerning Columbus." This widespread popular report not only ushered in the Columbian year, but it was literally the first general announcement to the American people that Columbus landed from the *west* rather than from the east ; that is to say, he sailed around Watling's Island, and entered the New World on the Chicago rather than on the New York side. Besides this true view of the land-fall of Columbus, President Adams gave his audience the latest and most authentic information regarding the recent discovery of the burial-place and remains of the discoverer himself, which will be given to the country at large in the *March Magazine of American History*, with pertinent illustrations.

Another paper of interest in connection with the Columbian year was read by Professor Edward G. Bourne, of Adelbert college, Cleveland, upon the line of demarkation, established in 1493, by Pope Alexander VI., between the Spanish and Portuguese fields of discovery and colonization. The very able inaugural address of the president of the association, Hon. William Wirt Henry, appears in another part of this magazine. An excellent paper was presented by Walter B. Schaife, Ph.D., upon the commerce and industry of Florence during the Renaissance. Brooks Adams of Quincy, Massachusetts, presented a paper which attracted much attention on the "Phenomena of Universal Suffrage." Dr. Jeffrey R. Brackett, a graduate of Harvard and Johns Hopkins Universities, presented an objective review of the Virginia Secession Convention of 1861. Hon. A. R. Spofford, librarian of congress, read a striking paper on "Lotteries in American History." President James C. Welling, of the Columbian university, traced the history of slavery in the territories.

An excellent comparative study of the personal force in congressional politics was the well-written and well-read paper by Miss Follett, of the Harvard "Annex," upon "Henry Clay, the First Political Speaker of the House." He seems to have been much the same type of a presiding officer as was the Hon. T. B. Reed. Miss Follett showed that no other speaker so well combined the functions of a moderator, a voting member, and a party leader as did Mr. Clay. He established the tradition that a party, in putting a leader in the speaker's chair,

does not deprive itself of his services on the floor. He exercised the right to speak in committees of the whole more freely than had any of his predecessors. The president of William and Mary College, Lyon G. Tyler, son of John Tyler, gave some entertaining extracts from the records of York County, Virginia. "State Sovereignty in Wisconsin" was tersely presented by Professor C. H. Haskins; and there were some fourteen other papers of value on kindred themes discussed during the sessions.

The officers chosen for the ensuing year are as follows: Dr. James B. Angell, president; Henry Adams, of Washington, and Edward G. Mason, of Chicago, vice-presidents; Herbert B. Adams and A. Howard Clark, secretaries; Dr. C. W. Bowen, treasurer. The Hon. William Wirt Henry retires into the executive council with other ex-presidents—the Hon. A. D. White, Dr. Justin Winsor, Dr. W. F. Poole, Dr. C. K. Adams, and the Hon. John Jay. To that honorable council, comprising also Dr. G. Brown Goode, of the Smithsonian institution, and Dr. J. G. Bourinot, clerk of the Canadian House of Commons, were added Professor John Bach McMaster, of the university of Pennsylvania, and Professor George B. Adams, of Yale university.

THE ASSOCIATION OF VETERANS, which includes the Tenth Army Corps, the Eighteenth Army Corps, and the North and South Atlantic Blockading Squadrons, and indeed all who served in the army or navy of the United States on the shores or in the waters of South

Carolina, Georgia, or Florida, whether as officers or as private soldiers or sailors, at any time during the confederate war, and who received an honorable discharge therefrom, held an interesting meeting in Boston on the thirtieth anniversary of the naval battle of Port Royal. The president of the association, Judge Charles Cowley, was formerly on the staff of Rear Admiral Dahlgren, commanding the South Atlantic Blockading Squadron. In his address before the association on this occasion he said: "Coming as this battle did, when the successive defeats of Big Bethel, Bull Run, Ball's Bluff, and Belmont had filled the hearts of men with grief and gloom, the victory of Admiral Dupont, won thirty years ago this morning, had a wonderful effect in cheering and stimulating the people throughout the north. The dark winter of general discontent was turned at once into glorious summer, and the clouds that had so long hovered over the Union were in the deep bosom of the ocean buried. That victory gave us firm foothold in South Carolina, which was held with unflinching tenacity for three years."

A committee was appointed, consisting of Colonel T. W. Higginson of Cambridge, Massachusetts, General P. S. Michie of West Point, and Colonel T. B. Brookes of New Windsor, New York, to correspond with the families of Admirals Dupont and Dahlgren, Generals Anderson, Hunter, Mitchel, Foster, Gillmore, and the Shermans and others, to ascertain what unprinted papers relating to the operations of this department and squadron they now have, and where and how they are preserved; also

to consider and report what action is advisable to be taken by this association for the collection and preservation of such documents and for making them available for the uses of history.

The association will hold four meetings during the coming year, one in Boston on the twenty-seventh anniversary of the capture of Fort Fisher, January 15; one in New York city or Brooklyn, on the twenty-seventh anniversary of the formal restoration of the federal flag over Fort Sumter, April 14; another in Washington, September 21, during the week of the National Encampment of the Grand Army of the Republic; and the next annual meeting in New York city or Brooklyn, on Monday, November 8, 1892.

THE VIRGINIA HISTORICAL SOCIETY held a general meeting on the 21st of December, in the house of delegates, Richmond, Va., its president, Hon. William Wirt Henry, in the chair. Papers of great historic interest were read both morning and evening. Professor Garnett of the University of Virginia read an able paper on the revolutionary history of the state, explaining its five geographical sections, and how Virginia was originally settled by four race elements—the English, the Scotch-Irish, the Germans, and the French Huguenots. Professor Trent of Sewanee university in Tennessee, read some "Notes on Present Work in Southern History." Professor Hall of William and Mary college read a paper entitled "Catalogue of Epitaphs on Ancient Tombstones in York." The subjects of the evening papers were:

"The First Election of Washington to the House of Burgesses," by Hon. R. T. Barton; "The Old Brick Church, Smithfield, Virginia, built in 1632," by Hon. R. S. Thomas; "Richmond's First Academy, projected by M. Quesnay de Beaurepaire, in 1786," by Mr. Richard Heyward Gaines; "Agriculture in Virginia during the First Twenty Years of the Colony," by Philip A. Bruce, M.A.; "Some Unpublished Facts Relating to Bacon's Rebellion in Accomac County, Virginia," by Mr. F. P. Brent; "Thomas Hansford, the First American Martyr to Liberty," by Mrs. Annie Tucker Tyler.

THE ROCHESTER HISTORICAL SOCIETY held its December meeting at the house of Hon. E. M. Moore, M.D. Paper by George H. Humphrey, "Old East Avenue." The reminiscences of Mrs. Eliza W. Reid aged ninety-three years were presented by Mrs. Parker. Dr. Moore spoke at some length upon the sewerage of the city. The Tablet and Memorial Committee were requested to consider placing a tablet upon the Home of the Friendless, East avenue, in memory of the late Josiah W. Bissell, who gave to the institution the ground upon which it is built.

THE WESTERN RESERVE HISTORICAL SOCIETY, Cleveland, Ohio, held its annual meeting in June, 1891, which was of more than ordinary interest from the fact that ex-President R. B. Hayes journeyed from his home in Fremont for the express purpose of attending this meeting,

and by unanimous request presided over the assemblage. The officers of this society are C. C. Baldwin, president; W. J. Gordon, W. P. Fogg, J. H. Sargent, Sam Briggs, vice-presidents; D. W. Manchester, secretary; John B. French, treasurer. The annual report of the secretary contained an amount of information quite exceptional, showing that the society is doing good work and progressing rapidly in public favor. The address of President Baldwin was on "New Methods of History," and was received with enthusiasm by an appreciative audience.

THE RHODE ISLAND HISTORICAL SOCIETY held its usual meetings on the 15th and 29th of December. Mr. Henry C. Dorr occupied both evenings with a paper entitled "Williams and Harris in the Controversy between the Proprietors and the Freeholders of Providence." In opening the subject Mr. Dorr spoke of the settlement of Mooshasuck by Roger Williams, and outlined the various treaties the settlers had with the Indians. Williams neglected to consult legal advice concerning a grant of the land, and the result was that in after times serious troubles arose between the proprietors under the original charter and the freeholders concerning the rights of each class of citizens. Williams, together with the freeholders, maintained that the proprietors had only a corporate right to the lands, while William Harris and the proprietors asserted that they had an individual right in the property.

BOOK NOTICES

THE BATTLES OF SARATOGA, 1777. THE SARATOGA MONUMENT ASSOCIATION, 1856-1891. Illustrated. By ELLEN HARDIN WALWORTH. 8vo, pp. 191. Albany, New York: Joel Munsell's Sons, Publishers. 1892.

The author very pertinently remarks in the preface to this handsome volume, that if we may believe "the signs of the times," a period has arrived in the intellectual development of our country when historical subjects can scarcely be claimed as belonging exclusively to a small class of people. "It is indeed a suitable moment in which to direct the public mind to local history. The faithful chronicle of a town or village or neighborhood becomes eventually the gem of a great collection. Monuments and historical tablets are the natural, the most simple method of education. Money lavished on them is money saved for future generations." This work opens with an able, clear, succinct account of the "Battle of Saratoga, Burgoyne and the Northern Campaign, 1777," and then proceeds to chronicle the "History of the Saratoga Monument Association." The battle of Saratoga and its attendant circumstances form an intensely dramatic narrative. In unity of purpose and culminating interest, few important events in American history have occupied so vast a theatre. Mrs. Walworth has made herself perfectly familiar with the picturesque region where the great armies manoeuvred, and finally rendered the closing scene of the spectacle a triumph that astonished the world. Her graphic descriptions bring the stirring scenes of that dramatic period into full view. Up to that hour the Americans were esteemed "rebels" by the powers of the earth. Henceforward they were patriots attempting to rescue the country from wrong and outrage. The agents of congress were no longer obliged to hold intercourse with the monarchs of Europe in stealthy ways. They met with open congratulations. A new power was recognized. A new element had entered into the diplomacy of nations. Of the fifteen battles decisive of lasting results, during more than twenty centuries of human progress, that of Saratoga is one. No martial event has ever exerted a greater influence upon human affairs than the conquest of Burgoyne. Every generation of readers will need to learn this suggestive lesson, and Mrs. Walworth has done good service in placing it before them in such readable form. The history of the Saratoga monument should

be preserved, and we congratulate its founders and promoters on this appreciative and important contribution to historic literature.

The illustrations, of which there are a dozen or more excellent portraits, add greatly to the value of the volume. The frontispiece is the fine steel engraving of Hon. Horatio Seymour, who was president of the association from 1873-1881. There are also fine portraits of William L. Stone, the efficient secretary of the association through the greater part of its history; of Chancellor J. V. L. Pruyn; of John H. Starin, its president in 1891; of James M. Marvin, of Gen. J. Watts de Peyster, of J. C. Markham, the architect, and of Mrs. Walworth, the chairman of the committee on tablets, and the author of this work. There are also many views and maps of great interest, and a visitor's guide to Saratoga Springs which will be greatly prized.

LITTLE JARVIS and MIDSHIPMAN PAULDING. By MOLLY ELLIOT SEAWALL. Pp. 64 and 133. New York: D. Appleton & Co. 1891.

The history of all navies is full of thrilling incidents. Too often they appear only in the stilted official language of orders or in the terse, seaman-like record of the log-book. The navy of the United States is no exception. Beginning its career when the British navy sailed the seas without a rival, and the British seaman believed himself invincible, it captured his best ships right and left, wherever the conditions were nearly equal, and compelled respect where at first was only contempt. It was a happy idea on the part of the author of these two little books to take known facts in the lives of the young officers of those early days, and throw them into picturesque narrative. By the way, in those of good artistic work it is a thousand pities to launch this attractive series on its literary voyage with such an unship-shape craft on its cover. The books are both intended for young readers, are printed in large type, with illustrations.

Little Jarvis was captain of the foretop when the *Constellation* fought the *Vengeance*, and died at his post like an officer and a gentleman. Paulding was the gallant young fellow whose presence of mind at a critical moment went far toward gaining the day at the battle of Lake Champlain. It is hoped that the author will continue her work to include the gallant young fellows who have kept up the fighting traditions of the navy in later years.

THE DIVORCE OF CATHERINE OF ARAGON. The story as told by the Imperial Ambassadors resident at the Court of Henry VIII. In usum laicorum. By J. A. FROUDE. Being a supplementary volume to the author's *History of England*. 8vo, pp. 476. Charles Scribner's Sons. 1891.

This brilliant and important contribution to history is one of intense interest as well. It is a supplementary volume to the author's *History of England*, and is filled with new facts and arguments marshaled with great skill before the reader. It is thirty-five years since Mr. Froude's early volumes appeared, which provoked a deluge of hostile criticism. He went on with his researches all the same, and now gives us additional evidence to strengthen his former positions which have been so fiercely assailed. This new evidence goes far to justify the views taken in his *History of England*, with regard to the divorce of Catherine of Aragon and the execution of Anne Boleyn, as it is almost wholly derived from the dispatches of the Imperial Ambassadors at the court of Henry VIII. These men were of course Catholics, and they were the active enemies of the king. Representing Charles V., who was the kinsman and champion of Catherine of Aragon, it was their business to ally themselves with the queen's friends, and to help forward every movement having for its object the defeat of Henry's purposes. It would seem that Henry was a far less choleric and impulsive man than he has been represented; but he was resolved to be monarch in his own realm, and when his authority was disputed by a foreign priest, backed by the English clergy, he did not hesitate to take vigorous and effective measures for the vindication of his rights. The execution of Fisher, bishop of Rochester, has always been referred to as an example of tyranny and cruelty. Mr. Froude in this volume has been able to prove that Fisher "invited and pressed the introduction of a foreign Catholic army into England in the pope's interest," which puts a very different face on the affair.

Mr. Froude also shows the results of the great contest to determine whether pope or king ruled in England. A bishop undertook to burn a heretic without waiting for the king's writ. He was promptly arrested, thrown into the Tower, and his property confiscated. It was no time for half measures; Henry saw that he must put down treason with a high hand, or it would put him down. Catherine of Aragon became in the last years of his life an active conspirator against him, and Mary, her daughter, was not less disloyal. When, after vainly waiting for papal action on the divorce, Henry got himself divorced by an English court and married Anne Boleyn, he made a grievous mistake,

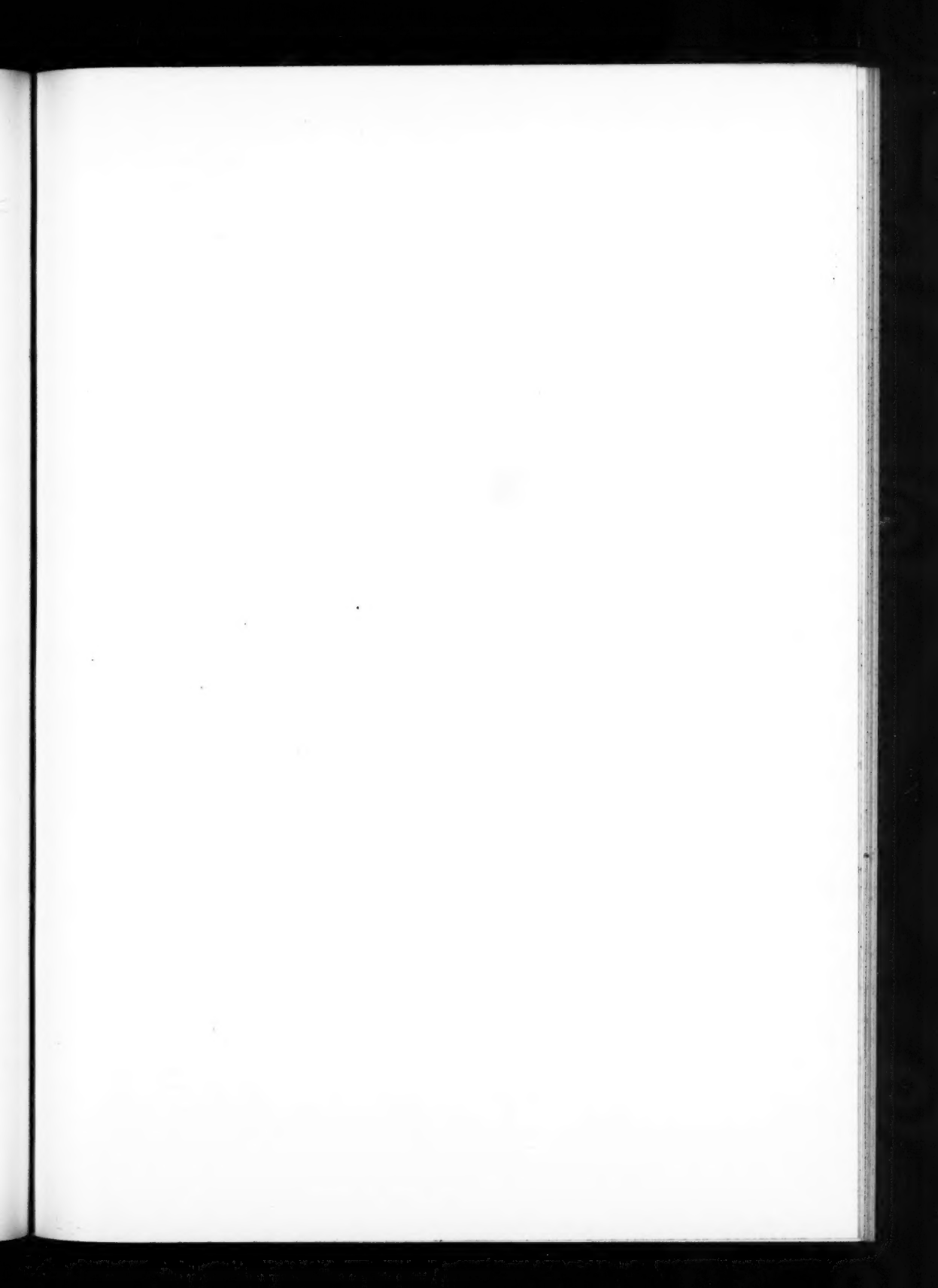
for Anne was a bad woman, vicious, malignant, insufferably insolent, and hated by the people and the peers alike. There seems good reason to believe that she tried to murder both Catherine and Mary. It is said that Henry was afraid to leave the country to meet Francis, because in his absence she would be regent, and he dreaded and distrusted her too much to give her such an opportunity. Anne contributed greatly to the difficulties of the situation. All the disaffected elements were drawn close together through her sinister influence. When at last her day of doom came, and Cromwell let loose upon her head the damning evidence he had gathered, there was no sympathy or pity for her. Mr. Froude's description of the proofs on which she was condemned seems to leave no room for doubt as to her guilt. Of the five men who were condemned with her, it is most significant that not one asserted his innocence. Neither did Anne herself. Her friends and allies and the Imperial Ambassador had no doubt of her guilt. Her crime was atrocious; it was treason in the most aggravated form, and there was no penalty for it but death.

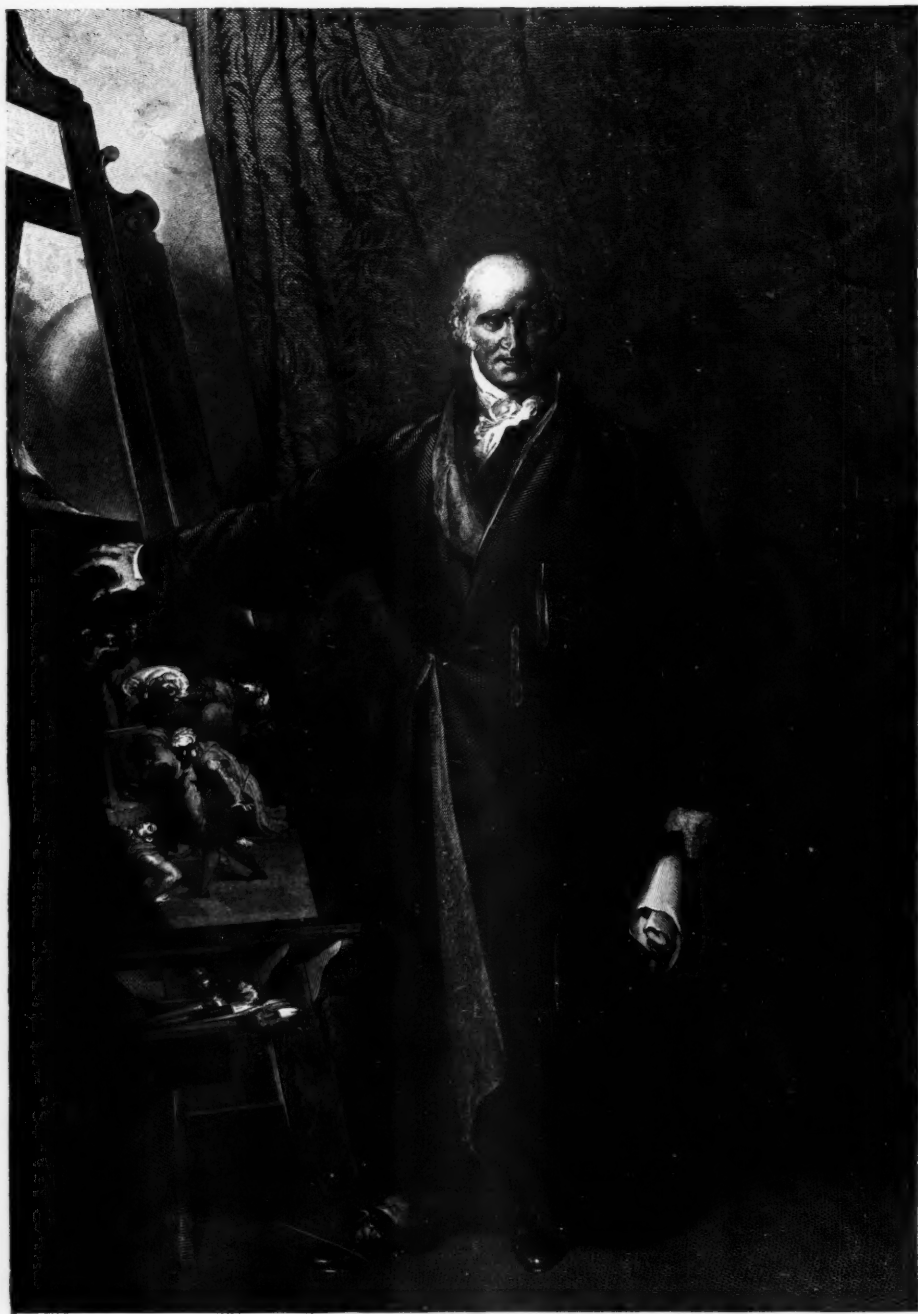
JAMES HENRY MORLEY, 1824-1889. A Memorial. 8vo, pp. 61. Cambridge, Massachusetts. 1891.

The subject of this little memorial volume was the son of Sylvanus Griswold Morley, and was born in Westfield, Massachusetts, in 1824. He was descended from Colonel David Morley, who married the daughter of Rev. Sylvanus Griswold, of Feeding Hills, in that state, who was the son of Rev. George Griswold. James Henry Morley was appointed chief engineer of the Iron Mountain Railroad in 1853, which he located and built from St. Louis to Pilot Knob, a distance of eighty-six miles, during the following four years. He was a man of much excellence of character, and his life was full of generous impulses and actions.

EPOCH MAPS ILLUSTRATING AMERICAN HISTORY. By ALBERT BUSHNELL HART, Ph.D. New York: Longmans, Green & Co. 1891.

These maps are of the utmost value to students and teachers, and indeed to every citizen who wishes to understand the growth and magnitude of our country. There are fourteen, representing an immense amount of skilled research among the texts of grants, charters, and governors' instructions, as well as British and colonial and state and national statute books. Dr. Hart seems to have documentary authority for all boundary lines. This enterprise is commendable from every point of view.





BENJAMIN WEST, F. R. A.

[From the painting by Sir Thomas Lawrence, P. R. A.]

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No. 3

SOME RECENT DISCOVERIES CONCERNING COLUMBUS*

THE question as to where in the Bahama islands Columbus first landed has been the subject of even more controversy than the question where the Northmen first landed in New England. The investigations of Humboldt, Washington Irving, Becher, Varnhagen, Major, Navarrete, Muñoz, Harris, Fox, and Markham still left the question in much doubt. Few readers of any or all of these books could feel that the question was really settled. All that Mr. Winsor has felt justified in saying in his recent book on Columbus is, that the opinion of scholars has been drifting towards a belief that the landfall was on Watling's island.

Since Mr. Winsor completed the writing of his work, the Bahamas have been visited and very carefully explored by an enterprising German traveler, Rudolf Cronau; and the results of his studies have been embodied in the seventh *Lieferung* of his *Amerika: die Geschichte seiner Entdeckung von der Ältesten bis auf die neueste Zeit*. It is my purpose, in the briefest possible space, and without much comment, to indicate Mr. Cronau's conclusions and the reasoning by which he reached them. In relation to the matter of the landfall, his positions may be said to be two in number: First, that Columbus landed on Watling's island; and, secondly, that the landing took place on the west side, instead of, as has generally been supposed, on the east side.

His reasons for reaching the first conclusion may be briefly stated as follows:

(1) Watling's island is the only one which answers to all the distinctive characteristics that were described by the original authorities. These were: (a) An easy landing place; (b) a large body of water in the interior; (c) a large roadstead, lying north-northeast of the harbor; (d) the size of the island; (e) the form of the island. Las Casas, whose father was with Columbus at the landfall, and who himself knew Columbus well and passed many years on the islands, says that the island was oblong or bean-shaped. Columbus himself describes the geographical peculiarities lying in the vicinity of the place of landing which answer to one of the points

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